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## Senate

The 20th day of January being the day prescribed by House Joint Resolution 80 for the meeting of the 2d session of the 108th Congress, the Senate assembled in its Chamber at the Capitol at 12 noon.

The Senate was called to order by the President pro tempore (Mr. STEVENS).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty and Everlasting God, You are the meaning and mystery of all that is, was, and is to be. Thank You for Your constant love and for the opportunities to learn from each other. Thank You also for challenges and difficulties that test and refine us.

Lord, help us to make respect for You our first priority, and give our leaders the wisdom to trust the unfolding of Your will. May we embrace a humility that seeks first to understand instead of striving to be understood. Deliver us from a false patriotism that would render unto Caesar what belongs to You. Guide us with Your powerful hand until the kings of this world acknowledge Your sovereignty and might.

We pray this in Your Holy Name.  
Amen.

### PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, first of all, I should welcome everybody back

because this is the formal convening of the second session of the 108th Congress. As everyone knows, we have a fairly short legislative session this year. I know in our leadership meeting this morning, and I am sure in the Democrats' leadership meeting this morning, we both began to outline the agenda for the year. When you look at the calendar and you look at the amount that we will be addressing, it is going to be challenging. We all recognize the challenge that is before us. Everybody is returning rested and ready to go, and I am delighted to have everybody back once again.

Under the order entered into on December 9, the Senate will resume consideration of the conference report to accompany H.R. 2673, the Omnibus appropriations measure. A cloture vote will occur today on that conference report at 3 p.m., and that will be the first rollcall vote of this session. The consent agreement allows for equally divided debate until that vote on invoking cloture.

As a reminder, the Senate will be in recess from the hours of 12:30 today to 2:15 for the weekly party conferences to meet.

I also want to remind my colleagues that this evening at 9 p.m. the President will deliver the State of the Union Address and therefore Senators should assemble in the Senate Chamber at 8:35 so that the Senate may proceed at approximately 8:45 this evening to the Hall of the House of Representatives for that address.

I do thank all Members for their attention and I look forward to a productive second session.

### CONSOLIDATED APPROPRIATIONS

Mr. FRIST. Mr. President, we will be having a cloture vote today at 3 o'clock and thus I would like to use my leadership time over the next 10 or 12 minutes, rather than to state the goals and planning for this session, which I

will try to do at some point tomorrow, to address the issue before us and that is to finish up the unfinished work of the first session. The question before us, as I mentioned, is the Consolidated Appropriations Act of 2004. It is important legislation, and I think how we handle that legislation will in large part set the tone for the remainder of this Congress. I just want to spend a few minutes on that.

First, I thank the distinguished chairman, who is occupying the Chair, and the ranking member of the Senate Appropriations Committee, and their staff, for the tremendous work, hard work, dedicated work last year. We asked a great deal of that Appropriations Committee. They produced. They delivered. Today it is my hope we will be able to bring an end to that work with the passage of the seven remaining appropriations bills.

As you look back over the last 12 months, you see the committee completed action on 27 regular appropriations bills, completed action on 3 major supplemental bills, completed action on 4 continuing resolutions, and now finally the 7 remaining regular appropriations bills for 2004.

One thing is certain, that people have had sufficient time to review what is in this Omnibus appropriations bill, to review the legislation. It has been available now for 57 days. It was filed on November 25, 2003.

It is obvious that the legislation is not such that everybody is pleased; some people want more projects; some people want more spending; some people want less spending. There are many provisions in there that I personally would have liked to see turn out differently. But it is a product of months of work last fall and last winter, and it is the nature of all legislation, as we in this body know, that compromises are in order—compromises with the House

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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of Representatives, compromises with the administration.

But now, today, at 3 o'clock, is the time to move ahead and complete action on this legislation and thereby start that critical funding. I am sure as we discuss this over the next several hours it will become apparent that every single Senator in this body has a stake in passage of this legislation.

I did write to each of the Senators last week that no Senator should be under any illusion as to what will happen if we were to fail to pass this legislation. It is a clear, it is a stark alternative to a continuing resolution of the seven outstanding appropriations bills. Failure to pass this Omnibus appropriations bill, to approve this legislation, would really shortchange—it would curtail our efforts in fighting terrorism. It would weaken our food security system. It would create hardships for millions of veterans. It would put at risk millions of lives of those who suffer HIV and AIDS overseas. It would shortchange the needs of our schools and of our States and needy Americans.

I do also want to add, in addition to stating the importance of passing this Omnibus bill, that the legislation itself adheres to the agreement, the general agreement between Congress and the executive branch in terms of spending limits. I have set aside the emergency spending for the Iraq war supplemental. As I mentioned, some would wish there was more spending and some would wish that there was less spending. Whatever the arguments that people put forth, what it is important for people to understand, I believe, is that the spending under these appropriations bills is consistent with the budget blueprint that we adopted last April for this fiscal year.

It is a fact that, excluding the expenditures of the major supplementals for the operations in Iraq—one last April and most recently in October—appropriations funding authority between 2003 and 2004 is held to slightly less than a 3-percent increase.

Second, while remaining within this agreed-to spending restraint, the legislation funds important bipartisan priorities. A number of examples will be talked about on the floor, but let me cite just a few.

Education funding for title I programs would be funded at \$12.4 billion, and special education—or IDEA—would be funded at \$10.1 billion. These two programs combined would increase funding by \$2 billion for education over last year. Both increases are necessary to truly see that we leave no child behind. If we had to resort to a full year of a continuing resolution, these education programs would lose \$2 billion.

In education, we have a wonderful program—the Pell Grant Program—for needy college students. Under this bill, they would receive \$12.1 billion. If we had to take that stark alternative of a continuing resolution, funding would be reduced for these Pell grant recipi-

ents by \$700 million. That is clearly unacceptable.

Head Start spending in this bill would increase to \$6.8 billion—a \$150 million increase that would be forgone if we resorted to that stark alternative of a continuing resolution.

In the field of health, if you look at the area of research, NIH would receive \$28 billion—an increase in this bill, once it is passed, of over \$1 billion. Under a full year of a continuing resolution, this increase would be zero. Veterans' medical care spending would receive \$28.6 billion—an increase of over \$3 billion over last year—if, and only if, we pass this bill.

The list continues in terms of highway funding, the Millennium Challenge Account, and election reform. Global HIV/AIDS funding—with a strong bipartisan policy in this body—would reach \$2.4 billion. But failure to pass this legislation would clearly jeopardize that 5-year commitment of \$15 billion in funding to which Congress and the President have agreed.

The Small Business Administration, through the Guaranteed Loan Program, would receive \$9.5 billion. These are critical loans to small businesses that create jobs out of this increasingly strong economy.

FBI funding would increase by \$423 million once we pass this bill. If we don't pass the bill, the new FBI agents, who we know are needed, would not be funded; AmeriCorps, USDA's Animal Plant and Health Inspection Service—the list goes on.

I address only a few of the critical funding items. People will talk about the others.

There are other provisions in the bill such as providing a 4.1-percent Federal pay increase that is important to all of our Federal workers listening to me now.

There is over \$200 million in assistance to Southern California for last winter's disastrous forest fires that will not occur without this bill.

I am sure the chairman of the committee can list many other important funding items in this legislation needed for the basic functioning of government.

But the time has come to pass this legislation and to move forward into next year's budget—the fiscal year 2005 budget, which I remind all of my colleagues will arrive in less than 2 weeks. It is time for us to move ahead in 2004 rather than remain stuck in 2003.

I ask my colleagues to weigh their votes on this legislation very carefully this afternoon.

Again, I thank Chairman STEVENS and Senator BYRD for their tremendous work this past year, and particularly their staff for their dedication and long hours expended.

I yield the floor.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

Mr. DASCHLE. Thank you, Mr. President.

I join in welcoming back our colleagues and staff, and I wish our majority leader a happy new year. I hope his holidays were as enjoyable as ours.

I express my good wishes to the Presiding Officer and to the distinguished assistant Democratic leader and others with whom I have already had the opportunity to talk personally.

I hope this will be a productive session because there is so much that ought to be done. I believe much can be done if we work in a constructive and bipartisan way for legislation that will create opportunities for all Americans.

#### AN OPPORTUNITY SOCIETY

Mr. DASCHLE. Mr. President, Senate Democrats have set as our goal the passage of legislation that we call an "Opportunity Society" for all Americans—not just the privileged few. It includes proposals for more jobs—especially in manufacturing where we have lost nearly 2.5 million jobs just in the past 3 years—8,000 in my State of South Dakota. Nothing could create those jobs faster than early passage of a highway bill. We have already lost 90,000 jobs by the failure to take up the bill last year when the last bill expired. We can create over 800,000 jobs this year if we act expeditiously.

Not only do we believe in the need to create jobs but we want those jobs to pay a decent wage. Nothing can be more critical in that regard than to increase the minimum wage for the first time in 7 years.

Democrats also believe this Senate should address the cost and availability of health care which is fast becoming the preeminent issue in our country. I have vivid recollections of my hundreds of conversations with South Dakotans throughout my State last year, conversations which revealed the anxiety and the physical and financial pain now experienced by so many with and without health insurance. We believe one of the very first steps in reaching this goal should be the passage of legislation which authorizes the Government to negotiate lower prices for all seniors on prescription drugs as we already do for veterans and military retirees.

We will also advocate that this country devote far more attention to education, from preschool to higher education, with more resources and greater priority to fully funding childcare, title I, special education, and the No Child Left Behind Act.

We are determined to see that the Senate addresses retirement security for all Americans by protecting our seniors' pensions and providing them with the confidence that their retirement income will not be squandered or lost because of corporate mismanagement. It is imperative that Social Security be protected, and we will continue to fight this year to see that it is.

We also seek to provide opportunities here at home, and we ask that we not

forget we are a nation at war and are asking a great deal of the men and women in our Armed Forces as well as their families. Democrats want to ensure that all of our Nation's reservists have access to quality health care. Democrats will try to make certain that no veteran has to choose between his disability pay and his retirement pay. We will seek to provide additional resources to end the lengthy waits at VA hospitals that are a fact of life for too many of our veterans today.

It is also our hope that this session will allow us the opportunity early on to address a good energy bill. I have said on several occasions, should the MTBE liability immunity provisions be stricken from the provisions in the energy bill, there would be sufficient votes to pass it on the Senate floor. The decision is up to the majority.

It is also our goal this year to pass the Mental Health Parity Act, welfare reform reauthorization, and the legislation to outlaw hate crimes.

As I said, we hope we can do this and much more on a bipartisan basis.

It is with sadness that I note the way the last session ended. The majority didn't seek consensus or cooperation of the Democratic caucus on either the Medicare bill or the energy legislation. It was a process designed to find agreement among those who already agreed not to bridge the differences or broaden support. It was marked by procedural abuses.

Many Americans are still dismayed that the House kept the Medicare vote open for 3 hours while one Member actually admitted he was offered a bribe from another Member on the House floor to support the bill. That isn't how the American people expect us to do their work. We can do better. This year we must.

While I am on matters that cause Democrats very grave concern, I am compelled to note the onerous recess appointment of Judge Charles Pickering. The President could not have started off this session of Congress in a worse way. The Senate has repeatedly rejected this nomination. The timing, during the Martin Luther King, Jr., weekend, also could not have been worse. It was a deplorable decision and one that is deeply regrettable on several levels.

As we begin this session, our first order of business will be the consideration of the Omnibus appropriations bill. The Omnibus appropriations bill was once a good bill. In the Senate we were able to work out compromises. We accomplished many things and the process worked. But the administration intervened at the eleventh hour and demanded changes, laid down an ultimatum, and even forced the conference to take positions in direct conflict with earlier positions taken on rollcall votes in both the House and the Senate.

Its insistence on provisions affecting the mad cow decision, overtime regulations, and media concentration made

the bill unsupportable to many Senators. We should take the time to fix the bill's problems because they affect millions of American families. We owe it to them to take the time to do it right.

I take a moment for some additional comments on matters unrelated to our legislative agenda. First, I know I speak for all Senators in expressing praise for our troops in Iraq for their inspiring demonstration of bravery and patriotism. Nearly 500 soldiers have died and 3,000 have been wounded since the war began. Our country owes them our debt of gratitude. I am particularly mindful of the sacrifices made by thousands of South Dakotans, including 800 who departed for Iraq during the recent holiday season.

Recently, I attended a funeral for Chris Soelzer, a young man from Sturgis who lost his life in Iraq on Christmas Eve. He was a remarkable role model, a leader, and soldier. The agony felt by his family, friends, and his community is another poignant reminder of the horrific sacrifice that war demands.

We honor those who are there and express our heartfelt gratitude for the job they continue to do under the most difficult of circumstances. While we praise them for finding Saddam Hussein and for continuing the effort to ensure democracy for the 23 million people of Iraq, we remain concerned that our troops face violent attacks daily and our troops and our taxpayers are bearing a disproportionate share of the burden.

Second, I note the decision made by our colleague, Senator JOHN BREAU, to retire at the end of this session. I have had the good fortune to work with Senator BREAU now for 25 years, 17 in the Senate. I am proud to call him a close friend.

He will leave the Senate with many accomplishments, many admirers, and many good friends. He has earned our respect and affection by his manner, his work, and his never-ending desire to seek consensus and bipartisan achievement. For that reason, he will also leave a hole in this institution, one that will be very hard to fill. We thank JOHN BREAU for his service to his country, his remarkable leadership, and his friendship. I wish Lois and JOHN well in the months and years ahead.

In the spirit of JOHN BREAU, let me close by reiterating our desire to work in a constructive, bipartisan way for legislation that will truly create an "opportunity society" for all Americans. I look forward to the coming months and the challenges that we will confront as they unfold.

I yield the floor.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004—CONFERENCE REPORT

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2673, which the clerk will report.

The assistant legislative clerk read as follows:

A conference report to accompany H.R. 2673 to make appropriations for agriculture, rural development, Food and Drug Administration, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

#### RECESS

Mr. REID. Mr. President, with the two leaders having spoken, I ask unanimous consent we recess now for our luncheons.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:24 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. Under the previous order, the time between 2:15 p.m. and 2:50 p.m. shall be equally divided for debate only.

Who yields time?

The Senator from Alaska.

Mr. STEVENS. Mr. President, the time is equally divided between now and 2:50; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, if the Senator would yield, why 2:50? I have missed something. That is fine. That means we have about 15 minutes.

Mr. STEVENS. Seventeen minutes apiece.

Mr. REID. On this side, if it is OK, I will yield 5 minutes to Senator KENNEDY, 5 minutes to Senator JACK REED, and 5 minutes to Senator JOHNSON.

Mr. STEVENS. I thank the Senator.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I apologize for my voice. I hope I can keep it long enough to make this statement.

Republicans and Democrats worked together to adopt this omnibus conference report that is before the Senate today. It contains seven appropriations bills. It was my hope that the Senate would pass this bill last December, and it was a great disappointment to me that we did not pass it then.

Now, however, we still have the opportunity to send this report to the President, and I do urge all Senators to vote for cloture now.

The Senate should pass 13 separate appropriations bills each session. Senator BYRD also favors that approach. An omnibus bill is an option of last resort. Unfortunately, once again this fiscal year, this was our only way to do our duty to provide funding for essential services of our national Government.

Throughout his life, Ben Franklin reminded his colleagues that compromise was an essential part of government. He said:

Both sides must part with some of their demands.

That spirit is important when we must join the work product of several Appropriations subcommittees in an omnibus bill like the one before us now.

Are there provisions in this bill to which either the majority or the minority object? Yes. Does the White House endorse each of the provisions in this bill? Absolutely not. Are there parts of this bill I would rather not support at this time? Yes.

But the conference has concluded. The conference no longer exists, and a majority of the members on the conference agreed to this compromise that is before the Senate now.

The report before the Senate funds critical programs and services. Countless Americans have already been affected adversely because it has been delayed so far.

Already the Department of Housing and Urban Development has had to suspend all activities related to the FHA General Insurance and Special Risk Insurance Funds. Since January 14, HUD has been unable to fund programs related to the construction and rehabilitation of multifamily apartment projects, health care facilities, Hawaiian homelands mortgages under section 247, and home equity conversion loans that benefit elderly homeowners.

Our failure to pass this bill prevented key Government programs and agencies from fully responding to our Nation's crises and challenges. The recent bovine spongiform encephalopathy, BSE—mad cow—diagnosis will require a significant increase in animal health surveillance and food safety inspections. This bill contains \$29.5 million over the fiscal year 2003 budget for the Animal and Plant Health Inspection Service and an additional \$36.6 million for the safety inspection service.

That funding will go a long way in helping these agencies respond to this recent crisis.

The impact of this delay has been felt throughout the country in a wide range of programs and services. This report includes a \$38 million funding increase for the Health and Human Service Department's domestic AIDS drug assistance program and \$2.4 billion to combat AIDS, tuberculosis, and malaria around the world. That money is need-

ed right now to purchase medications for people suffering with AIDS, but instead, because this report is stalled here on the Senate floor, many human beings continue to go without our humanitarian aid.

Our veterans have also suffered from the delay because new funding, not previously available, has been withheld. Because we are operating under a continuing resolution the VA was forced to curtail the hiring of new physicians and nurses. It has been unable to open 48 high priority community-based outpatient clinics. As pharmacy costs continued to rise, the VA was forced to strip funds from other priority areas because it could not meet the increasing demand for prescription drugs without new funds.

Several important new education programs do not have the funds needed. This bill includes \$1.26 billion in new funding for State programs to help children with learning disabilities and physical and mental challenges, \$57 million in new funds for reading programs, \$50 million for our Nation's colleges, and \$148 million in additional funds to expand and improve Head Start programs. Those funds did not reach our Nation's children because this conference report was delayed.

There are many more programs that remain underfunded while operating under the continuing resolution. The continuing resolution provides funds we believed in fiscal year 2002 were sufficient for fiscal year 2003, but that does not mean they are sufficient for this year—fiscal year 2004. Many Americans will continue to be denied benefits needed in 2004 if we do not support this omnibus bill. I ask the Senate to come together to demonstrate we will respond to these needs now by voting for cloture and in favor of this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask to be notified when 4½ minutes are up. I am entitled to 5 minutes.

This bill shows the widening gulf between this administration's words and its deeds.

No doubt tonight, the President will talk about healthy families. But this bill weakens our clean air laws. And it postpones steps we need right now to protect our food supply from mad cow disease.

The President will talk about education. But this bill fails the test when it comes to funding for schools. And it diverts scarce public education dollars to private schools.

The President will talk about the safety of our communities. But this bill weakens our gun laws.

The President will talk about fairness. But there is nothing fair about giving away good jobs of dedicated government workers to the cheapest bidder that may even send those jobs abroad.

So it is a Dr. Jekyll, Mr. Hyde Presidency, where what you see is not what you get.

But the greatest outrage in this bill is that it denies the right to overtime pay to 8 million hard-working Americans.

We may be fighting a war in Iraq, but this President and this administration are also waging a war on workers here at home.

Majorities in both the Senate and the House agreed that the Bush administration was wrong to deny overtime protections to workers. By a vote in the U.S. Senate of 54 to 45 and the U.S. House of Representatives of 221 to 203, we said to the President, "You are wrong."

But here it is, in this bill.

I know who I am fighting for.

I am fighting for the nurse who burns the midnight oil day in and day out caring for our sick and elderly with no extra pay.

I am fighting for the firefighter and first responder, the heroes of homeland security, standing watch and working nights and weekends to protect our liberty. They are our generations Paul Reverses—prepared to act when called to arms. They deserve fair compensation.

I am fighting for our veterans and our men and women serving so bravely now in Iraq and across the world, who return to civilian life only to find that the training they earned in the military is cruelly used to deny them their right to overtime pay.

Under current regulations, workers can be denied overtime protection if they fall within the category of what they call professional employees, workers with a 4-year degree in a professional field. It is changed this year under the Bush administration. The plan would do away with the standard and allow equivalent training in the Armed Forces. You go and serve in Iraq and get the training to serve in Iraq, and come back here and you are ineligible, under these regulations, for overtime pay.

I ask unanimous consent that the relevant statute be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUBPART D, PROFESSIONAL EMPLOYEES,  
§§ 541.300–.304

The current regulations pertaining to the professional exemption contain four separate categories of exempt employees: learned professionals, artistic professionals, teachers, and computer professionals. As with the executive and administrative exemptions, the regulations contain both "short" and "long" duties tests, depending upon the salary level of the employee. The long test contains a separate primary duty requirement for each of the four categories of employees. The long test for learned professionals requires that the primary duty consist of work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes. For creative professionals, the primary duty must consist of

work that is original and creative in character in a recognized field of artistic endeavor (as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training), and the result of which depends primarily on the invention, imagination, or talent of the employee. For teachers, the primary duty must consist of teaching, tutoring, instructing, or lecturing in the activity of imparting knowledge by an employee who is employed and engaged in this activity as a teacher in the school system or educational establishment or institution by which the person is employed. The duties tests for computer employees are discussed in subpart E. The long test also requires that an exempt employee: Perform work requiring the consistent exercise of discretion and judgment; do work that is predominantly intellectual and varied in character, such that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and devote no more than 20 percent of work hours in a week to activities that are not an essential part of and necessarily incident to exempt work. The short test in the current regulations for both learned professionals and teachers contains the specific primary duty requirement discussed above, and requires that the employee perform work requiring the consistent exercise of discretion and judgment. For artistic professionals, the work must require invention, imagination or talent in a recognized field of artistic endeavor.

The proposed regulations pertaining to the professional employee exemption would make changes similar to those we propose for the executive and administrative exemptions. The goal is to clarify and simplify the regulations defining the professional employee exemption, while remaining consistent with the purposes of the FLSA. For ease of reference, and making no substantive changes, we propose to move the provisions pertaining to computer professionals to new subpart E, which will contain all information pertinent to such employees. We also propose to simplify the regulations by eliminating the separate short and long tests for each of the remaining three categories and substituting a single standard duties test for each. This restructuring and simplification would eliminate the percentage limitation on nonexempt work and the consistent exercise of discretion and judgment requirement. As discussed above in connection with similar proposed changes to the executive and administrative exemptions, we are proposing to eliminate these subsections because they have proven difficult standards to apply uniformly.

For learned professionals, the proposed new standard test in §541.301 would provide that employees qualify for exemption as a learned professional if they have a primary duty of performing office or non-manual work requiring advanced knowledge in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction, but which also may be acquired by an equivalent combination of intellectual instruction and work experience. This proposed standard test for learned professionals would focus on the knowledge of the employee and how that knowledge is used in everyday work, not on the educational path followed to obtain that knowledge. Although some flexibility to focus on the worker's knowledge exists in the current regulation, it is very limited and rarely used. The clarified test reflects changes in the 21st century workplace in how some "knowledge workers" acquire specialized learning and skills: in the modern workplace, some employees acquire advanced knowledge through a combination of formal college-level edu-

cation, training and work experience, even where other employees in that field customarily acquire advanced knowledge by obtaining a baccalaureate or advanced degree. The proposed changes would clarify that, so long as such an employee's level of advanced knowledge is equivalent to the knowledge possessed by an employee with the typical academic degree generally required by the profession, the employee may qualify as an exempt professional. Thus, for example, an employee who obtained advanced knowledge by completing college courses in a field such as engineering, and who worked in that field for a number of years, could qualify for exemption if the knowledge acquired was equivalent to that of an employee with a baccalaureate degree in engineering. We have not proposed any specific formula in the regulations for determining the equivalencies of intellectual instruction and qualifying work experience, although some examples from the current rule have been included and expanded. Public comments are invited on whether the regulations should specify such equivalencies.

The view that several years of specialized training plus intensive on-the-job training for a number of additional years may be equated with a college degree in certain fields has found support in reported judicial decisions. For example, the professional exemption has been applied to employees with a combination of training and academics in *Leslie v. Ingalls Shipbuilding, Inc.*, 899 F. Supp. 1578 (D. Miss. 1995). In *Leslie*, the court concluded that an employee who had completed three years of engineering study at a university and had many years of experience in the field of engineering was properly classified as a professional employee, even though the employee did not satisfy one of the usual minimum qualifications for an engineering position of having a bachelor's degree in an engineering discipline. The court considered the employee's combination of education and experience as satisfying the requirement for a prolonged course of specialized intellectual instruction and study.

For creative professionals, we propose to adopt the current short test, slightly modified, as the new standard test in proposed §541.302. This new standard test would apply the creative professional exemption to any employee with the primary duty of "performing work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor." This language, although simplified, is not intended to make any material changes from the existing regulations. This standard was applied in the case of *Freeman v. National Broadcasting Company, Inc.*, 80 F.3d 78 (2nd Cir. 1996), in which employees who researched facts, developed story elements, interviewed subjects, wrote scripts, and supervised the editing of videotape were deemed to have been correctly classified as artistic professional employees. On the other hand, employees of small news organizations who spent their time gathering facts about routine community events such as municipal, school board, and city council meetings, and gathering information from the police blotter and real estate transaction reports, and then reporting those facts in a standard format were deemed not to be artistic professional employees in *Reich v. Newspapers of New England*, 44 F.3d 1060 (1st Cir. 1995) and *Reich v. Gateway Press, Inc.*, 13 F.3d 685 (3d Cir. 1994).

The standard test for teachers in proposed section 541.303 would be unchanged from the current short test, with the exception of the deletion of the requirement that the employee's work require the consistent exercise of discretion and judgment, a requirement that, as discussed above, has engendered signifi-

cant confusion. Provisions on teachers from current §§541.3, 541.301(g), and 541.314 have been consolidated into proposed new §541.303. The minor editorial changes are not intended to cause any substantive changes.

In addition, the proposed regulations utilize objective, plain language that can be easily understood by employees, small business owners and human resource professionals, and eliminate outdated and uninformative examples. The proposed regulations also would address a number of specific occupations that have been the subject of ambiguity and litigation. For example, we propose to update and clarify the circumstances under which employees working as newspaper journalists or as radio or television commentators are exempt, because the case law regarding such employees has been evolving over the years, and the existing regulations discussing such employees are outdated.

Provisions of the current regulations in §§541.3 and 541.314 that provide an exception to the salary or fee requirements for physicians and lawyers have been consolidated and moved to proposed §541.304. Current §541.307 entitled "Essential part of and necessarily incident to" has been combined with current §541.108 ("Work directly and closely related"), §541.202 ("Categories of work"), and §541.208 ("Directly and closely related"), and moved to proposed new §541.702 ("Directly and closely related"), for a streamlined discussion of the principles for distinguishing exempt and nonexempt work. Although these sections have been consolidated and simplified, we do not intend any substantive changes.

Finally, we propose to move sections that pertain to salary issues (§§541.311, 541.312 and 541.313) to subpart G, where all such issues will be consolidated. Other sections relevant to several or all of the exemption categories (such as the definition of primary duty, a section regarding application of the exemption to trainees, and a section discussing nonexempt work generally) would move to the proposed subpart H (Definitions and Miscellaneous Provisions) to eliminate unnecessary repetition. Current §541.305 entitled "Discretion and judgment" and current §541.309 entitled "20-percent nonexempt work limitation" have been deleted from the proposed regulations for the same reasons similar changes are being proposed in the executive and administrative exemptions as discussed above.

Mr. KENNEDY. The Senate should reject this bill and demand that the right to overtime pay be restored; we should demand that our schools be properly funded and that private school vouchers be rejected; we should demand that illegal guns be removed from our streets; and we should demand a food supply safe from mad cow disease.

Finally, Americans work more than workers in any other industrial society in the world. This chart shows that. We are working about 500 hours more than any other society in the world. American workers are working harder, and now this administration is trying to deny them at least the fairness of being compensated for it.

This chart shows what happens if you have overtime protection or if you don't have overtime protection. For all the overtime that is used in this country today, only 19 percent of it is applicable to those who get paid for the overtime while 44 percent for those

who don't get the overtime. That is 3 to 1 with regard to individuals who work 50 hours a week. We know what this is all about because the administration has given a guide to employers about how they can avoid paying overtime. I ask that those regulations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### METHODOLOGY FOR ESTIMATING COSTS

The principal database used in the PRIA is the 2001 Current Population Survey (CPS). A complete description of the methodology used for determining the employees who are potentially exempt and nonexempt from the overtime requirements of the current and proposed rule is contained in the PRIA available by contacting the Wage and Hour Division at the address and telephone number provided above.

The economic impact of the proposed rule includes two components: One-time implementation costs; and recurring incremental payroll costs incurred by employers for those employees presently treated as exempt from overtime under the current rule, who become nonexempt.

The implementation costs contain two parts. The first part includes the amount of time employers would take to: (1) Read and understand the proposed rule; (2) update and formulate their overtime policies; (3) notify employees of any changes; and (4) all other time taken to implement the proposed rule. The second part of the implementation costs is the amount of time employers would take to review their job categories to determine (1) whether or not a particular job category is exempt or nonexempt under the proposed rule, and (2) how to adjust to the new salary levels and duties tests. To estimate the implementation costs of the proposed rule, the department contacted six human resource specialists from around the country to obtain information on the amount of time small and large businesses would take for each of these activities. High and low estimates of the implementation costs were estimated by varying the amount of time taken to review job categories and other time taken to implement the proposed rule.

The second component of the economic impact of the proposed rule is the recurring incremental payroll costs incurred by employers for those employees presently treated as exempt from overtime under the current rule, who become nonexempt as a result of raising the salary levels and revising the duties tests.

Affected employers would have four choices concerning potential payroll costs: (1) Adhering to a 40-hour work week; (2) paying statutory overtime premiums for affected workers' hours worked beyond 40 per week; (3) raising employees' salaries to levels required for exempt status by the proposed rule; or (4) converting salaried employees' basis of pay to an hourly rate (no less than the federal minimum wage) that results in virtually no (or only a minimal) changes to the total compensation paid to those workers. Employers could also change the duties of currently exempt and nonexempt workers to comply with the proposed rule.

For the second choice above, paying overtime premium pay, employers typically have two options, with differing cost implications, for meeting their statutory overtime obligations. For example, assume an employer paid an employee a fixed salary of \$400 per week with no overtime premium pay, for which the employee worked 45 hours per week, and the employer must now begin to pay this employee overtime pay. As one option, the em-

ployer could assume that the former weekly salary of \$400 represents compensation for a standard 40-hour workweek, and pay this employee in the future time-and-one-half the \$10 hourly rate for any overtime hours worked beyond 40 per week. For a 45-hour workweek, total compensation due, including overtime, would equal \$475 ((40 hours x \$10/hour) + (5 hours x \$15/hour) = \$475), compared to \$400 formerly. As a second option, the employer could pay the fixed salary of \$400 per week as total straight time pay for all hours worked in the week (provided it equals or exceeds the federal minimum wage), and pay additional "half-time" for each hour worked beyond 40 in the week. This method of payment is known as a "fixed salary for fluctuating hours" (see 29 CFR 778.114). For a 45-hour workweek, total compensation due under this method, including overtime, would equal \$422.22 (\$400 + ((400 ÷ 45) x ½ x 5) = \$422.22).

The third choice above is straightforward—an employer could simply raise the salary level for currently exempt salaried workers earning less than \$22,100 to at least the new proposed salary level or more and have them remain exempt salaried workers.

Nothing in the FLSA would prohibit an employer affected by the proposed rule, or under the current rule, from implementing the fourth choice above that results in virtually no (or only a minimal) increase in labor costs. For example, to pay an hourly rate and time and one-half that rate for 5 hours of overtime in a 45-hour workweek and incur approximately the same total costs as the former \$400 weekly salary, the regular hourly rate would compute to \$8.421 ((40 hours x \$8.421) + (5 hours x (1.5 x \$8.421)) = \$399.99).

Most employers affected by the proposed rule would be expected to choose the most cost-effective compensation adjustment method that maintains the stability of their work force, pay structure, and output levels. Given the range of options available to an employer confronted with paying overtime to employees previously treated as exempt, the actual payroll cost impact for individual employers could range from near zero to up to the maximum cost impacts estimated in the Department's PRIA. However, for the PRIA it was assumed that, for any nonexempt employee who satisfies the pertinent duties test, the employer will choose to pay the smaller of either the additional weekly salary required to qualify the employee exemption or the usual weekly overtime payment for the employee.

The PRESIDING OFFICER. The Senator has used 4½ minutes.

Mr. KENNEDY. Finally, this is the list of the individuals who will be affected. Who are those individuals? Police officers, nurses, firefighters; those are the home guard personnel. You talk about safety and security in our communities and in our neighborhoods; these are the individuals who stand watch for all Americans. Why is this administration fighting decent fair pay for these hard-working Americans who represent the best of our country and are involved in homeland security? This legislation should be defeated.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, the Omnibus appropriations bill contains elements that contradict the express votes of this body and the other body, bipartisan votes that in fact protected workers against losing their overtime,

that insisted upon country-of-origin labeling, that dealt with media ownership. And at the last moment, at the direction of the administration, these provisions were overridden and contradicted. There are other provisions that have been included in this measure that should not stand a fair vote on the Senate floor.

There is a provision, inserted in this bill by the House Republican leadership over the objection of the Republican subcommittee chairman of the Commerce-State-Justice and Judiciary Committee, that would require the FBI to destroy records of gun sales within 24 hours. They have now, under the law, the Brady bill, the authority to keep these records for 90 days to conduct audits of the system of instant checks.

A study analyzing just 6 months' activity conducted by the General Accounting Office showed that the FBI was able to retrieve 235 firearms that had been sold to illegal purchasers, prohibited purchasers, wife beaters, murderers, the whole parade of perpetrators. If this legislation passes and the 24-hour rule stands, then instead of recovering 235 of these weapons, 7,228 firearms will be in the hands of murderers, wife beaters, robbers, those people who endanger the American public.

This provision should not be allowed, without a vote, to become the law of the land. In the words of Los Angeles Police Chief William J. Bratton:

I'm very opposed to this effort to make the Brady law toothless, and I just don't understand how Members of Congress can even consider it. Obviously, they haven't shown up at the scene of enough officer shootings.

What we hear from the NRA and their allies is "just enforce the laws." How can you enforce the law if you don't have the information on the sale?

This provision should be stricken. In addition to that, there are provisions about vouchers for public schools in the District of Columbia. We don't have enough resources to fix the public schools of this country, and diverting them to private schools is a mistake. It is passing out parachutes; it is not fixing the airplane. We can do better.

Indeed, these vouchers go to schools that don't have to stand up to the rigors of the No Child Left Behind Act. Those people who go about this country saying that critics of the No Child Left Behind Act—those people who will not embrace these provisions—are somehow undermining education reform but they say, let's give money to schools that don't even have to follow the No Child Left Behind Act. That is also wrong.

As my colleague Senator KENNEDY pointed out, this bill strips away overtime protections for Americans who work very hard. These workers depend on overtime to support their families. Costs go up, hours of work are going up, and still families find themselves stretched terribly thin. We are in a position now not only to override both the sense of the House and Senate but

the common sense of the American people. They understand that without adequate overtime people cannot support their families.

In addition to this provision that would strip away overtime pay for firefighters, nurses, and police officers, the Department of Labor had the audacity to suggest ways in which overtime can be prevented from applying to everyone. That is not a Department of Labor that is working in the best interest of the American workers.

We understand something else, too, which is that the great economic crisis of this country at this moment is the fact that we cannot produce jobs. Employers are not willing to hire, so they require more overtime. Well, if they have less incentives, less requirements to pay overtime pay, they will make the current workers work even harder, and there will not be the opportunity to hire more Americans for these jobs. This provision goes right to the heart of what we all should be about: getting more work for Americans, not penalizing workers by taking away their overtime pay.

These are just a handful of provisions that are not only contradictory to what we did on a bipartisan basis—Republicans and Democrats in both the House and Senate—but they are fundamentally against the interests of safe streets, opportunities to work, and opportunities to educate the children of this country.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. I yield myself 1 minute, Mr. President.

President Bush is supporting this bill that will be before us. He is going to sign it. I want to speak to my colleagues and any and all who are watching this debate. Understand with that signature 8 million Americans will lose their guarantee to overtime pay. Eight million Americans—those earning roughly over \$24,000 a year in my State—just like that, with President Bush's signature, people will lose their overtime pay.

What does that mean? It means that an employer can work you harder and you don't get any more money; you are pulled away from your family and not getting fair pay. You could be spending more time with them, at a minimum.

This is a harmful bill. Not only does it do this, but it turns the clock back in many other areas.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. JOHNSON. Mr. President, I rise to voice my concern over secret riders that were jammed into the Omnibus appropriations bill behind closed doors, in the dark of night, that are contrary to the bipartisan wishes of the Senate and, in some instances, both the House and Senate. It is an abomination of a process that has taken place. It has very real negative consequences.

The bill, as a whole, does some good things. I commend Chairman STEVENS

for his hard work in that regard. But there are these riders that were stuck in the bill that make no sense. Some have been alluded to already, such as the allowance of greater media concentration than this Senate wanted; the privatization of FAA air traffic control personnel; the question of vouchers, at a time when we are \$9 billion short of funding No Child Left Behind as it is, and that funding is further undermined by subsidization of private schooling.

The question of overtime pay is perhaps the most outrageous of all. Eight million American workers are going to be denied overtime pay under this rider that was stuck into the bill. There was no conference in a meaningful sense. They were simply done behind closed doors. The deliberations were, frankly, the Republican leadership working with the White House, and they stuck the provisions in and came back to this body and said: Take it or leave it.

I believe we can have the merits of the larger portion of the Omnibus bill and simply have these provisions struck. It would be simple to do.

One of the provisions that is most troubling in my State of South Dakota, and in rural areas, is a provision that would delay country-of-origin meat labeling for 2 years—probably beyond that—at a time when we are struggling with BSE, mad cow disease.

Our consumers should understand that our Nation has the safest, highest quality meat in the world, bar none. Canada has struggled with the BSE issue. One of their cows showed up in the U.S. We need to see to it that we respond aggressively to make sure Americans have confidence in our meat supply, and that the world community also understands the quality product that comes from the United States.

Right now Japan, Korea, and the rest of the buyers of American beef abroad have told the United States: We like your beef, the meat products you produce, but we don't want to buy it if you cannot certify to us that it is, indeed, an American product.

We are one of the few industrialized democracies in the world not to have country-of-origin labeling. We don't have it. It is long overdue that we join the rest of the industrialized world in allowing our consumers to know the origin of the meat products they buy so they can buy an American product if they choose, and when it comes time to exporting our product, that the Japanese, Koreans, and the rest of the world will know it is an American product they are buying, as opposed to being a mingling of U.S., Canadian, and Heaven knows what else that goes through the U.S. into the export market.

So for the sake of our domestic confidence and of our export markets, the time is overdue that we join the rest of the world—the EU and the Canadians—in identifying the origins of these meat products.

What has happened is that this 2-year delay, which would lead to still further

delay, ironically at a time when the USDA is telling us they want to implement an electronic tracking system for every animal in the U.S., which is a far more expensive, far-reaching proposal than country-of-origin labeling ever was; every country has been able to do it without expense, without bureaucracy, or any problem for the producers. There is no reason the U.S. cannot do it as well.

So what we have is a convergence of those who are profiting by not allowing American consumers to know the difference in what they are buying, along with those in the White House who have a philosophy of a global agricultural market with no borders whatever, which leads, of course, to that race to the bottom, where whoever can sell the product for the cheapest price wins. American producers deserve better. This Congress deserves a better bill than what we have before us.

I yield the floor.

The PRESIDING OFFICER. The minority's time has expired.

Mr. REID. Mr. President, the President pro tempore of the Senate has agreed to allow Senator HARKIN 3 minutes of his time. I ask unanimous consent that that be the case.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President how much time do I have?

The PRESIDING OFFICER. The Senator has 3 minutes.

Mr. HARKIN. Mr. President, 5 months ago the Senate voted in support of my amendment to block the administration's effort to kill overtime pay for millions of American workers. The bipartisan vote of the Senate was 54 to 45. The House followed suit with a 221-to-203 vote.

The Congress spoke up clear as a bell and said: No, the administration must not strip overtime rights from 8 million American workers. But as we all know, the administration refused to accept the clear will of Congress. The administration ordered the conferees to strip this provision from the omnibus bill.

Senator SPECTER and I fought to keep it in, but the administration refused any cooperation or compromise. In the end, with a snap of its fingers, the administration nullified the clear will of both Houses of Congress and the American people.

This is just another example of the brazen abuse of power by the administration. The administration seems to believe in Government by one branch: the executive branch. Time and again, we see this administration running roughshod over the will of Congress.

The administration's new overtime rule is a stealth attack on the 40-hour workweek, pushed by the White House without a single public hearing.

There was one positive part of the proposal that would raise the basic income that guarantees overtime pay for low-income workers from \$8,000 to



\$22,100. My amendment did not touch that part of the proposal. But now we find that the Labor Department is advising employers on how to get around it.

The Labor Department example suggests cutting workers' hourly wages and making them work longer. That means there will be no net gain by the worker. This is disgraceful.

Here is what they have done: "How to Avoid Paying Your Employees Overtime," courtesy of the Department of Labor. Lower existing wages so when workers accrue overtime, their net pay will not grow. In other words, pay them less; work them longer.

Change workers' duties so they are exempt from the overtime rules.

Raise workers' wages to levels required to be exempt, \$22,100.

Don't let them work more than 40 hours a week.

This is what is in the Bush proposal. This is like the IRS giving advice to tax cheats on how to avoid paying their taxes. This is a direct violation of the Fair Labor Standards Act of 1938 that established the 40-hour workweek for American workers.

Right now, Americans work longer hours than workers in other industrialized nations. This is a slap in the face to workers who give up their premium time with their families to work overtime, and we are not talking about spare change here. We are talking about taking away some 25 percent of the income of many American workers.

Congress did the right thing in voting to block this new rule.

The PRESIDING OFFICER. The Senator has used his 3 minutes.

Mr. HARKIN. But Congress voice and vote were nullified.

Mr. President, I ask unanimous consent that a New York Times article dated January 20, 2004, and a letter to the President signed by several Senators dated January 16, 2004, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 20, 2004]

#### GAMING OVERTIME

Some ominous fine print has turned up in the Bush administration's promise to help long-suffering low-wage workers get the overtime pay they have long been denied. As initially presented, the White House estimated that its new rules governing nonunion workers would mean \$895 million in guaranteed time-and-a-half pay for 1.3 million of the nation's poorest-paid workers. That inviting proposal was coupled with a far more controversial plan to allow employers greater leeway to close out overtime pay for a midrange of white-collar professionals by designating them as managers.

That part was questionable enough—critics warned that it could cut earnings and force unpaid overtime on millions of workers, and even the Republican-led Congress became leery. But now, in delving into the sweetener half of the plan covering the lowest-paid, The Associated Press has discovered that the Labor Department's advisory includes suggestions to employers about ways they can keep their costs from actually going up.

One tip from those helpful bureaucrats theoretically protecting struggling breadwinners is that an employer could consider "the most cost-effective compensation adjustment method." This translates into cutting a worker's hourly wage so the new overtime requirement will produce the old net salary, not an actual boon.

To be fair, the Labor Department also suggests that employers are free to raise workers' salaries to the new higher threshold of \$22,100 a year, the level at which eligibility for time and a half ends. Still, those helpful hints to anxious employers only compound suspicions about the plan.

U.S. SENATE,

Washington, DC, January 16, 2004.

The PRESIDENT,  
The White House,  
Washington, DC.

DEAR MR. PRESIDENT: As you know, bipartisan majorities in both the House and Senate voted to oppose the Department of Labor's proposal to deny overtime protections to more than 8 million hard-working men and women—regulations that actually provided instructions on ways for employers to avoid paying overtime to their workers. This is shocking, given that the Department of Labor's mission is to promote "the welfare of the job seekers, wage earners, and retirees of the United States."

Instead of accepting the clear will of bipartisan majorities in the Congress and the American people on this issue, your Administration used its leverage to threaten vital funding for cancer research, fighting AIDS, job training for millions of out-of-work Americans, and financial aid for children to attend college unless the provision protecting workers was removed. We believe that protecting workers' pay should not come at the expense of funding these vital programs.

We call on you to rescind the overtime regulation and instruct your Labor Department to require all employers to meet their obligations to pay workers for the overtime they have earned. At a minimum, we ask you to call on the Republican leadership to reinstate the Senate-passed and House-endorsed provision to protect overtime.

Sincerely,

EDWARD M. KENNEDY,  
TOM HARKIN,  
TOM DASCHLE.

Ms. COLLINS. Mr. President, I rise today to discuss a provision that was added to the omnibus appropriations bill at my request. The provision is designed to halt temporarily the implementation of amendment 13 to the Northeast groundfish fishery management plan. With this 5-month delay, which will be in effect for the remainder of the fiscal year, a more equitable form of amendment 13 can be developed. Without this delay, amendment 13 would devastate the fishing industry of my home State. Amendment 13 would deny at least a quarter of Maine's fishermen their traditional access to fish stocks, and would jeopardize the ability of many related small businesses to survive financially.

Amendment 13 would impose a series of regulatory changes to New England's groundfish management system. These new regulations would reduce the number of fishing days allocated to most Maine fishermen. The average Maine fishing vessel that received any fishing days would be allocated roughly

52 fishing days each year that they could use off Maine's shores. These, of course, are the most fortunate of Maine's fishermen, as many would receive smaller allocations of fishing days under amendment 13. Imagine trying to make ends meet practicing your profession only 1 day per week.

There are further problems with amendment 13 in its current form. The plan relies on targeting healthy fish stocks in order to mitigate economic impacts while less abundant fish stocks rebuild. This has led to the creation of two classes of fishing days: A and B days. On "A" days, a fisherman may target any fish stock. On "B" days, fishing is restricted to a handful of healthy species in designated areas.

Unfortunately, Maine's small boats will have difficulty using any of their B days due to safety concerns. These B fisheries are restricted to areas far out to sea that small boats cannot fish safely. There is simply no B fishery that Maine's smaller fishing boats can access.

Further, Maine's large boats will be penalized under amendment 13 because they are forced to lose valuable fishing time in transit to fish stocks located far to the south of Maine. Groundfish regulations would count transit time, "steaming time," as fishing time, putting Maine's fishermen at a severe disadvantage to fishermen located in southern New England. Fishermen based in southern New England could operate at a considerable competitive advantage, as they are able to spend more time fishing and less time steaming to and from fertile grounds, such as the Georges Bank. The result could well be the migration of Maine's fishing industry south to Massachusetts. In fact, we have already seen some large boats relocate from Portland to Gloucester.

Under amendment 13, Maine's larger fishing boats will continue to experience problems with steaming time. Fishermen from Portland, ME, who chose to take part in the cod exemption program and fish on stocks located on Georges Bank must travel 18 hours before they can put their nets in the water. In contrast, fishermen leaving from Gloucester, MA, can begin fishing after traveling for only 3 hours. Therefore, it makes perfect economic sense for vessels to relocate to southern ports, and some already have and more will do so. Maine suffers as these landings of fish and the revenues generated from these fish move south.

Furthermore, Maine's small-boat fishermen took drastic cuts in days-at-sea allocations. In fact, amendment 13 would allocate zero days-at-sea to 57 Maine groundfish fishermen; this is over 30 percent of Maine's groundfishing fleet that would be denied access to this resource. Maine's share of the groundfish resource has only diminished in recent years, and denying 30 percent of our fleet access to groundfish will only accelerate this trend. A larger portion of Maine's fleet



will be denied access to groundfish than in any other New England State.

Amendment 13 would also harm Maine's fishing-related businesses such as gear manufacturers, ice suppliers, and small boat repair shops. Maine's fishing infrastructure, which already is at a critical minimum, would lose revenue due to restricted access to the resource and due to the southward migration of Maine's groundfish fleet. If the current form of amendment 13 were implemented, Maine's working waterfront could vanish, to be replaced by coastal development. These regulations may well mean that Maine would have neither the fishermen nor the fishing infrastructure needed for a healthy groundfish fishery.

In response to concerns regarding loss of fishing infrastructure, inequities in steaming time, and the immense social and economic costs of amendment 13, the Portland City Council unanimously passed a resolution addressing amendment 13 on September 15, 2003. This resolution called on Maine's congressional delegation to "root out all provisions of regional groundfish management which discriminate against vessels fishing from the State of Maine in general and, in particular, from the Port of Portland." Amendment 13, in its current form, discriminates against Maine's fishermen. The delay in implementation will provide the time needed to "root out" the unfair aspects of amendment 13.

Anyone who has followed the amendment 13 process has been confronted with a litany of bad news; bad for New England, and especially bad for my home State of Maine. Newspapers throughout the State of Maine have detailed how amendment 13 would devastate Maine's fishermen and related businesses.

Maine's groundfishing industry has already suffered in recent years. Since 1995, Maine's groundfishing fleet has shrunk by roughly 40 percent. In the past two decades, Maine has lost nearly 50 processing companies. Amendment 13 would only accelerate this trend. In fact, analysis by the National Marine Fisheries Service shows that amendment 13 would allocate so few days-at-sea to Maine's fishermen, that few, if any, of Maine's boats would be able to break even.

I want the New England groundfish fishery to be sustainable. But that goes for fish and fishermen alike. If fishermen cannot make a living at sea, they will have no choice but to turn to other businesses.

As part of the National Marine Fisheries Service's economic analysis of amendment 13, a break-even analysis is performed. This analysis makes a number of assumptions. First, this break-even analysis assumes a boat owner makes no profit, a grim prospect for any business. Second, this analysis assumes standard overhead and crew costs that must be overcome for a vessel to break even. By paying crew members the bare minimum pay of

\$25,000, most boats will need well over 60 days-at-sea to break even. Unfortunately, the average Maine fishermen will be allocated only 52 days-at-sea that they can actually use. Only a very small portion of Maine's fleet will be able to break even under amendment 13.

Amendment 13 is fundamentally unfair to Maine's fishing community. Yet, it was scheduled to be implemented by May 1, 2004, which marks the start of the next fishing season. Surely, we need a better, fairer approach. The amendment I included in the omnibus spending bill is meant to halt implementation of amendment 13 in the current fiscal year in order to provide an opportunity for the council to reconvene to find a management plan that is fair to all New England States; not a plan that ties the laboring oar of rebuilding the fisheries to the hands of just one State, Maine.

I have also sought this delay because we need time to make sure we do develop an equitable management plan before one is put into place. The groundfish fishery is recovering. Fish stocks have tripled in recent years; more important, they continue to rebuild under current regulations. This delay is not irresponsible; fish stocks are not declining. The condition of the fishery will continue to improve while a fair set of regulations are developed. The strict regulations that are currently in place, and that will stay in place because of my funding restriction, are undeniably working.

Because this matter is so important to so many people in Maine and throughout New England, I want to take a moment to make my intent in drafting this amendment perfectly clear.

My amendment prohibits funds in the omnibus from being used to implement a fisheries management plan for New England other than the final emergency rule published by the Department of Commerce in the Federal Register on June 27, 2003, at page 38234. According to the Department of Commerce, the final emergency rule was promulgated "to ensure that there exist measures to reduce overfishing until implementation of amendment 13." This is still the goal under my amendment—the timeframe has just been extended.

I intend, through my amendment, to keep the final emergency rule in place through the end of the fiscal year. This is the case in spite of any provisions of law—including, but not limited to, 16 U.S.C. §1855(c)—that might otherwise limit the duration of the provisions of the final emergency rule. Indeed, my amendment is intended to suspend the application of provisions such as 16 U.S.C. §1855(c) to the final emergency rule. And, in any event, my amendment would not prohibit the terms of the final emergency rule from being implemented, again, were they found by the court to have expired.

My amendment restricts the use of funds appropriated in the omnibus.

Hence, the restrictions apply only through fiscal year 2004. Practically speaking, this means that no new management plan for New England can be implemented by the Department of Commerce before October 1, 2004. My amendment imposes this delay in order to provide time for the council to develop a plan that, unlike amendment 13, is fair to each of the New England States. The court, of course, is free to set a new implementation date that falls later than October 1, 2004, and might consider setting the new date at May 1, 2005, to coincide with the start of the fishing season.

In addition, my amendment in no way prevents the National Marine Fisheries Service from implementing regulations to allow the east coast scallop fleet and tuna purse seine fleet to access special management areas. I encourage the National Marine Fisheries Service to move forward and address these issues separate from the overfishing and rebuilding requirements in amendment 13.

It is my expectation that the New England Fishery Management Council will use the additional time my amendment will provide to develop a plan that all States can support. It is particularly encouraging that, after I announced that I would be pursuing this amendment, the New England Fishery Management Council's Groundfish Committee agreed to convene an emergency meeting in January to examine the concerns that I have raised. The Groundfish Committee did, indeed, address some of the issues that are important to Maine's fishermen, and I encourage the full council to follow the committee's lead and take positive steps toward resolving these critical issues.

The delay afforded by my amendment is so important because it provides time for the council to correct the inequities of amendment 13. The council was under severe, and in many ways artificial, time pressure to develop a new management plan. Moreover, much of what has been included in amendment 13 was brought to the council at a very late hour.

My amendment will provide time for the council to consider necessary changes that must be made to amendment 13. I do not expect the council to go back to the drawing board entirely. I believe that amendment 13 can be altered so that it is fair to all New England States. Problems with steaming time must be addressed by the council. Also, the council must deal with minimum days-at-sea allocations in a fair manner. There is room to improve the conservation tax on days-at-sea transfer to make this program viable, and the Groundfish Committee has forwarded a recommendation to the council that provides welcome relief. Finally, I believe that the leasing program should be extended to provide a measure of certainty to New England fishermen.

I am very pleased that, just last week, the Groundfish Committee forwarded several positive recommendations to the council for its consideration. The recommendations address many of the issues I have raised on behalf of Maine fishermen; issues that caused me to seek a delay in the implementation of amendment 13 in the first place. The council is scheduled to consider these recommendations next week. If the council makes similar, positive progress, I will happily reconsider the need for my amendment, and act accordingly.

In the end, I believe that the council can come up with a consensus product. That is not to say it will be a product that fishermen applaud. No one appreciates the Government taking away the livelihood families have relied upon for generations. But, until the inadequacies of our fisheries laws are addressed head on, we owe it to our fishermen to administer them, such as they are, with an even hand. That is precisely the goal of my amendment.

Ms. SNOWE. Mr. President, I rise today in opposition to the omnibus. This bill contains several objectionable items that deeply concern me, as chair of the Ocean, Fisheries and Coast Guard Subcommittee, because the language drastically and fundamentally changes U.S. fisheries policy, including authorization language for Individual Processor Quotas, a prohibition on implementing a groundfish management plan, and other new fishing quota authorizations. These provisions have serious consequences for our National fisheries policy and the natural resources upon which America's fishermen depend.

Allow me to explain my concerns in detail. I have many concerns about the language in this bill that would authorize what is being called the "Crab Plan" for the Bering Sea/Aleutian Island crab fishery. This plan contains provisions for establishing a system of Individual Processor Quotas, or IPQs, which would allocate the right to process crab among a group of predetermined processors. IPQs are not allowed under current law—without express authorization IPQs would violate our antitrust laws—and that is why this plan has come before Congress in an appropriations bill.

I must make it perfectly clear, up front, that I have worked consistently and forcefully, to reach an agreement with the advocates for IPQs. Twice I scheduled a markup in June for a comprehensive bill which would have created uniform national standards for fishing quotas. The bill was withdrawn from the first markup the evening before it was scheduled to occur because, regrettably the prior existing agreement on the bill fell through. I withdrew the bill from the second markup after I was not able to reach consensus to preserve the original intent of uniform national standards for fishing quota plans in the hopes of finding a future agreement.

As chair of the Subcommittee on Oceans, Fisheries and Coast Guard, I have worked hard to address fisheries policy in a consistent basis that is national in scope but flexible enough to allow for regional differences, which is the underlying tenet of the Magnuson-Stevens Act. Therefore I am adamantly opposed to another circumvention of the authorization and fishery management process.

This provision circumvents the Magnuson-Stevens Act and provides North Pacific processors and fishermen special treatment under the law. If we allow this provision to proceed, we will set a national precedent that has the potential to further undermine the regional fishery management system established under the Magnuson-Stevens Act. This provision will send us further down the road of having Congress directly managing fisheries—something Congress expressly decided not to do under the landmark 1976 law. Why should we have an established fishery management system if we only follow it in part of the country?

Under existing law, if a Fisheries Management Council wants to create a safer fishery with fishing quotas, they already have the option of doing so. However, it appears this legislation will only allow fishing quotas if processors get a separate quota system. Because of my great interest in encouraging fishermen's safety, I find it deeply disturbing to make a fishing quota plan approval contingent on a processor quota plan. Essentially, these fishermen are being told that they must continue to fish in the current, unsafe, derby-style manner unless Congress approves this processor quota plan.

The processor quota system proposed in the omnibus would work by requiring that crab fishermen deliver 90 percent of all future catch, indefinitely, to predetermined processors. This effectively divides market share so that processors are guaranteed a certain amount of crabs to process, thereby removing competition from the dock-side price setting process. Would we tell any other business that they had to sell 9 out of every 10 products to only one buyer, regardless of what price is offered? Not in this country.

Another effect of the processor quota program is that it would constrain new businesses from entering and competing in the processing sector. Technically, under this plan a new processor could try to start a business by buying another company's share of processing quota, but at what price? What processor would want to sell their guaranteed market share?

The greatest concern I have, however, is that processor quotas do not improve fishermen's safety or conservation. Fishing quotas can help achieve these goals, but the only purpose of processor quotas is to channel market share and bargaining power into processing companies. We must not forget that the whole point of fish-

ery management is to promote a safe and orderly fishery, and processor quotas do nothing to make a fishery safer or better conserve their fishing stocks. It just lets the big processing companies get richer.

Nevertheless, those who want IPQs often claim that my attempts to simply question this plan is preventing a safer plan from ever happening. This could not be further from the truth. To suggest that IPQ opponents are putting fishermen at risk is completely unacceptable and inaccurate. As long as IPQs remain part of the crab plan, however, Congress must properly address the very serious economic and public policy questions they present.

So let's get to the heart of the matter. The Congress is being asked to grant individual companies a guaranteed share of the crab market, in perpetuity. Should Congress also put similar limits on to whom processors can sell their product? Shall we legislate to which fish markets and restaurants this seafood can then go?

Those who want IPQs claim that processors need these quotas to protect their investment if a fishing quota system is allowed. They think that their processing plants would sit unused if a fishing quota system brings fish in at different times, and that they would lose money. The problem is, all these claims are based on speculation. How do we know what economic harm would occur? Even if processors were to lose money, how do we know that IPQs are the best or only answer?

The fact is, the in-depth studies needed to answer these questions have not been done. The sensitive economic data necessary for these studies have not even been released by processors. What has been offered as the "analysis" for this plan is incomplete and its accuracy cannot be verified through independent reviewers. In short, processor quotas are a very broad and costly response to a speculated problem.

Clearly, I have a lot of questions about this plan, as do fishermen around the country, several branches of the Federal Government, and the editorial boards of at least 11 major newspapers. I have been seeking answers for more than a year, and I have yet to receive satisfactory responses. As chair of the Subcommittee on Oceans, Fisheries, and Coast Guard, I take my fisheries oversight and authorization responsibility very seriously. Proper oversight demands answers to these very basic questions.

Make no mistake—the proposed IPQ plan is indeed precedent setting. Because of this, processors and fishermen around the country are watching our actions in the Senate very carefully. Already processors are pursuing an IPQ system for other west coast fisheries, and some are even advocating processor quotas for the entire country.

Fishermen's concerns about IPQs are justified, according to the Department of Justice. As chart I shows, on August 27, 2003, the Assistant Attorney General's Antitrust Division wrote a letter

to the Department of Commerce General Counsel, stating that the IPQ plan would, and I quote, "likely reduce beneficial competition among processors with no countervailing efficiency benefit." They also said that the National Oceanic and Atmospheric Administration, which manages our fisheries, should oppose IPQs. This is a very strong condemnation of the proposed IPQ plan and validates many of the fishermen's concerns.

In addition, as two other charts illustrate, the National Research Council and the General Accounting Office studied the impacts of fishing quota systems on the processing sector in other fisheries, and they found that impacts of other fishing quota plans on processors was inconclusive; some processors were adversely impacted while other processors clearly benefited. As such, these studies determined that there is no compelling reason to authorize a processor quota system. They recommend that if a fishing quota system does result in economic damage for processors, then more directed remedial action should be pursued based on what harms actually occur.

Most notably, however, the administration has gone on record as saying that they do not support IPQs as proposed for the crab plan. Dr. Bill Hogarth, NOAA's Assistant Administrator for Fisheries, testified at the October 22 fisheries management hearing which I chaired, and he stated that the administration only supports the idea that processors could buy fishing quota—not processing quota—if a fishery management council deemed it appropriate. It is clear that the administration does not support the IPQ system.

Beyond my grave concerns with this language, I also have many concerns about the language added only days before the House voted on this package, that threatens to send New England groundfish management into a tailspin. This is a fishery that has existed for more than 400 years, and has struggled to survive through years of significant reductions in fishing.

In 2001, several environmental groups sued the administration for not following the rebuilding requirements of the 1996 Sustainable Fisheries Act. They won this suit, and ever since this ruling the U.S. District Court for the District of Columbia has been overseeing the creation of a new groundfish management plan that adheres to the law and will help this fishery—which has already made substantial recovery in the last several years—be further restored. On November 6, 2003, the New England Fishery Management Council proposed a new plan, known as "amendment 13," for this fishery. The Secretary of Commerce is now in the final phases of improving this plan before it is approved and implemented this coming May.

This plan, as proposed, incorporates a great deal of input from fishermen and

fishing communities throughout New England, and many members of the industry support the key elements of this plan. It is true that, as originally proposed, the plan would have shifted much of the effort toward Massachusetts and have drastic economic impacts on Maine, and that is why I have secured commitments from the Secretary of Commerce to ameliorate these impacts in the final version of the plan.

For these reasons, New England groundfish managers have made progress in moving fisheries management out of the courtroom. This whole process, however, would likely be derailed by the language in this bill. Instead of allowing the Secretary to complete work on a plan that follows the law and helps fish and fishermen, this language would prevent the administration from spending any money on implementing the new plan.

In fact, this language would outlaw any plan from being implemented, other than a specific set of interim regulations that were put in place while the new plan was being developed. The problem is, these interim regulations do not follow the conservation requirements of the Magnuson-Stevens Act, they unfairly keep the small-boat groundfishing fleet throughout New England at an economic disadvantage, and they expire in a few short months.

If this language passes, it will be illegal for the Secretary of Commerce to follow the very requirements of the Magnuson-Stevens Act. This language does not lift the requirements that this Federal fisheries law be followed, but it simply makes it impossible for the law to be followed and makes it impossible for the Secretary to assist in its implementation even if it is to ensure the law is being followed. If this passes, Secretary Evans could be held in contempt of court, and the future of the New England groundfishery may revert to court order, indefinitely.

Moreover, according to this language, the only regulations that could be implemented maintain crippling cuts on the small boat, inshore groundfishing fleet. This sector of the groundfishery forms the economic backbone of small coastal communities throughout New England, and many of these fishermen have worked diligently to contribute to the new management plan that the Secretary is now refining. The small-boat sector employs thousands of independent fishermen and fishing-related businesses throughout New England, and most of them do not support this language—and for good reason.

Proponents of the rider try to make a compelling case that the Secretary's proposed rebuilding plan is flawed because it relies on unreasonably high fish population rebuilding goals and that the groundfish stocks are already rebuilding, so a new plan is not needed. Both of these statements are true, and that is why I have been working with the administration to refine the coun-

cil's plan in ways that better take these facts into account and asked it to conduct an independent socioeconomic analysis of the potential impacts of the new regulations. Also, as chair of the subcommittee with oversight of fisheries I am actively working to address the problems with the underlying law and change fisheries management so our nation truly benefits. I will be pushing a reauthorization of the act during this session of Congress that will address the existing problems in fisheries management.

The bill language in question does nothing to change these facts, and it does nothing to factor them into a more reasonable rebuilding plan or change the underlying law. The fishing rules that this language would in fact allow simply try to ignore the reality that rebuilding targets do exist. This language will not lead to any management system that complies with the law, and it will not change the reality facing our small-boat groundfishermen. Let me be clear: this language risks putting the management of the New England groundfish industry back before the court, allowing the judge to make any and all subsequent management decisions.

In short, this language undercuts years of hard work, sacrifice, and compromise that have gotten the New England groundfishery back on track. It forces the Secretary of Commerce to break the law, and it risks further damaging the hardworking men and women who want to continue to move forward on groundfish sustainability. This language risks harming Maine, New England, and our entire Nation's fisheries policy. If this provision becomes law it has the potential to lead to the downfall of the council-based fishery management process, and risks ending a way of life that has sustained New England fishermen for centuries.

The omnibus contains other undesirable fisheries policy changes, such as authorization language for Alaskan rockfish processor quotas and Aleut corporation quotas. These other two quota programs have never been presented to the authorizing committee in any form—nor have they gone through the Fisheries Management Council process—so I must object to fisheries policy authorization language that has circumvented all proper review channels.

Because of these highly objectionable authorizations, I see no other choice than to oppose any bill that contains these provisions. I urge those of my colleagues who have an interest in proper fisheries management and sound economic policy to oppose this as well. We, in Congress, are entrusted with the great responsibility to thoughtfully review such policy matters; we owe no less to our fisheries constituents. Those that support this bill would be responsible for creating a cartel that would effectively control an entire market, and for undermining the basis of council-based fisheries management

in the United States as well as the very foundation of our Nation's free market system.

I ask unanimous consent to print the above-referenced charts in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### EXECUTIVE SUMMARY

The Department supports implementation of a new fishery management plan that would end the "race to fish" inherent in the current derby-style management plan. Under the current derby-style program, the season ends as soon as the total allowable catch has been fished, producing an undesirable "race to fish" among harvesters. The race to fish is economically inefficient for both harvesting and processing and likely dangerous to the participants. The Department therefore recommends that NOAA support individual fishing quotas ("IFQ") for harvesters, a reform that will end the race to fish. Provided that IFQ are easily transferable, the gains in efficiency from ending the race to fish—reducing overcapitalization and improving safety—are likely to outweigh the harm of any loss of competition among harvesters. The Department recommends that the plan allow easy transferability of IFQ shares; otherwise the incentive for market participants to make efficient investment decisions will be reduced.

The Department further recommends that NOAA oppose individual processor quotas ("IPQ"), because IPQ will likely reduce beneficial competition among processors with no countervailing efficiency benefit. This lost competition could deter the development of new processed crab products, reduce the incentives for processors to make efficient investment decisions and reduce welfare for consumers of processed crab products. While harvester quotas should eliminate the harmful race to fish, processor quotas are not justified by any such beneficial competitive purpose.

If the goal of using IPQ is to compensate processors for overcapitalization, we urge NOAA to consider advocating more direct solutions, such as a program to buy excess processor equipment. We also understand that there are concerns with social goals such as preserving jobs in historic fishing villages. To the extent NOAA agrees with these goals, we recommend it consider advocating more direct solutions.

The Department also urges NOAA to oppose any form of sanctioned price arbitration. Allowing an arbitrator, rather than the market, to set price may distort the incentive of processors and harvesters to make efficient investments. Further, processors and harvesters must be cautious not to use the arbitration program as a way to agree on price with their competitors, which could violate the antitrust laws.

Mr. FEINGOLD. Mr. President, I will oppose the omnibus appropriations bill that the Senate is voting on today. It is the latest example of the annual breakdown in the congressional appropriations process. Once again, instead of considering appropriations bills individually, the Senate today is voting on a massive spending bill that includes many—in this case, seven—of the annual appropriations bills.

This process just invites the kind of problems—unauthorized spending, special interest provisions and legislative riders that go against the will of a majority in Congress—that we see in this Omnibus bill. Take, for example, the

Bush administration's proposed sweeping changes to regulations governing overtime pay for white-collar workers. These proposed changes would weaken overtime protections for these workers by changing the way that eligibility for overtime is determined. Both the House and the Senate are on record in favor of a provision that would block these changes from going into effect. Nonetheless, that provision was dropped in conference after the administration exerted tremendous pressure on those negotiating the final bill.

Similarly, language that would have prevented the Federal Communications Commission from moving forward with its plan to loosen the national cap on television ownership was badly weakened. And, of course, there are numerous bad provisions in the bill, including one that would create a voucher program in Washington, DC, public schools and another that would prevent country of origin labeling on many agricultural products.

I wish I could support this bill as there are a few worthy things in it, such as funding for global AIDS programs and for the rural AED Act, a program I created with Senator SUSAN COLLINS to increase access to defibrillators in rural areas. I am pleased that the bill contains language I fought for that would require Federal agencies to report on their purchases of foreign-made goods. As manufacturing jobs continue to disappear across the country, particularly in my home State of Wisconsin, the Federal Government should be doing everything it can to support American manufacturers. I am also pleased that the bill includes a provision I fought for to prohibit the Department of Veterans Affairs from enforcing its policy of prohibiting VA employees from taking proactive steps to let veterans know about the health care benefits for which they may be eligible.

Those provisions do not outweigh the many bad ones in this bill, however. This is simply no way to fund the Federal Government. I regret that this "must-pass" bill is being used as a platform for bad funding decisions and for bad policy decisions, many of which override the will of a bipartisan majority of Congress. We need to go back to taking up and passing appropriations bills one by one, rather than throwing everything but the kitchen sink into a single, bloated piece of legislation.

I am deeply disturbed that the Omnibus appropriations bill that is before the Senate today does not include a provision previously approved by the Senate that would have prevented the Bush administration from rewriting Federal labor law to roll back regulations that guarantee millions of workers overtime pay.

I am dismayed that a small number of Members of Congress and the administration were able to run roughshod over the will of a bipartisan majority of the Senate and the House to resuscitate the administration's ill-conceived

overtime proposal. And I regret that the administration resorted to veto threats and backroom negotiations to save a proposal that will rob millions of workers of badly needed overtime pay.

This is the latest in a series of assaults on working Americans that have been perpetrated by this administration. Right out of the gate, the President made it his first legislative priority to overturn a Federal ergonomics standard that was more than 10 years in the making. In addition, this administration has launched a campaign to aggressively contract out Federal jobs, systematically dismantle the Federal civil service system, gut worker protections, and undermine collective bargaining rights.

In March of last year, the Bush administration proposed a regulation that builds upon these efforts to tear down worker protections by denying millions of Americans vital overtime pay.

This proposed rule would change the process by which a worker can be declared to be exempt from the wage and hour protections of the Fair Labor Standards Act—FLSA, thus opening the door to denial of overtime benefits to more than 8 million workers who currently are entitled to this extra pay for working more than 40 hours per week.

In essence, this rule, that apparently will move forward despite broad opposition from the Senate and the House, will create a larger force of employees who can be required to work longer hours for less pay. This could also mean fewer opportunities for paid overtime for the workers who would remain eligible for it, and fewer new jobs for those looking for employment.

I am deeply disturbed that, in its attempts to sell its new rule, the administration actually provided tips to employers who wanted to get around paying overtime to 1.3 million employees who would become eligible for benefits under the new rule. The administration advised employers to require employees to strictly adhere to a 40-hour work week, to raise employees' salaries to the \$22,100 annual threshold to make them ineligible for overtime pay, or to decrease hourly wages so that those plus overtime wages equal the employee's original salary.

Time and again, the administration has said that this rule is about modernizing overtime regulations and not about taking overtime away from workers. But the administration's actions run counter to their words. The administration has fought tooth and nail to block the Harkin language, which simply states that any new overtime rule cannot take overtime away from workers who are currently eligible for it. And the Administration is offering advice to employers on how to avoid paying overtime. From these actions, it is pretty clear to me, and to millions of workers, that the goal of this proposed rule is to make fewer

workers eligible for overtime benefits and to require more employees to work longer hours for less pay.

Who are the 8 million workers who will be affected by this rule change? According to the Economic Policy Institute—EPI, 257 “white collar” occupational groups could be impacted. EPI did a detailed analysis of the effect of this rule on 78 of those occupational groups, and found that 2.5 million salaried employees and 5.5 million hourly workers would lose their overtime protections under the proposed rule. That is less than half of the occupational groups that will be covered by this rule change.

By broadening the FLSA wage and hour exemptions, the administration is seeking to deny overtime benefits to a wide range of workers, including police officers, fire fighters, and other first responders, nurses and other health care workers, postmasters, preschool teachers, and social workers, just to name a few.

I am deeply troubled that the administration would propose a rule that would deny overtime benefits to the people who put their lives on the line each and every day to protect our communities and to those who work in health care professions, which already face severe staffing shortages.

I am also troubled that the administration has pulled out all of the stops to make this rule a reality, despite broad opposition from members of both parties. I regret that the Omnibus appropriations bill—and the process in which it was drafted—has been used as a vehicle to move this rule forward. With so many long-term unemployed workers and with others working more than one job and depending on overtime just to make ends meet, it is unfortunate that the administration dug in its heels on a proposal to deny overtime to many of those who need it most.

Mr. AKAKA. Mr. President, I rise to speak on the conference report to the Omnibus appropriations bill that the Senate has been considering. Without question, we have a duty to ensure the continuing operations of our Government, and the package before us would enable this for a majority of the agencies and programs of the U.S. Government. I thank the appropriators on both sides of the aisle, including the senior Senator from Hawaii, Mr. INOUE, for their efforts in crafting this massive funding package, and particularly for their agreement on several provisions significant to the people of Hawaii that will meet urgent needs in transportation, education, agriculture, and juvenile justice. For example, funds included for the Juvenile Justice Information System will significantly enhance efforts by law enforcement officials and child-serving agencies in Hawaii to address the root causes of juvenile criminal behavior. This promises to have a tremendous impact on Hawaii's efforts to address juvenile crime.

I am also pleased that this package includes \$1.5 million to initiate programs under the Excellence in Economic Education Act, to increase financial and economic literacy in our country. I also am a strong proponent of the \$100 million in funding for the Mentoring and Mentoring Children of Prisoners programs, to ensure that young people in Hawaii and the Nation have access to the support, guidance, and assistance they need to help them through life's difficult and varied situations. These are a couple of the many initiatives that I feel very strongly about and worked on with my colleagues during the fiscal year 2004 appropriations process.

However, on balance, the flaws in this Omnibus package overshadow its favorable provisions. It is important to remember that we are here to serve in the best interest of our Nation. While differences in philosophy will always exist, as Members of Congress, we still have an obligation to work together, to look beyond those differences and find solutions. I do not believe that the Omnibus contains solutions that best serve all who live in our great Nation.

For example, as the ranking member of the Senate Governmental Affairs Financial Management Subcommittee, and the Armed Services Readiness and Management Support Subcommittee, I object to the elimination of two key measures from the Senate-passed Transportation-Treasury-General Government appropriations bill that would have improved fairness and cost-efficiency in Federal contracting. The Omnibus deletes a provision which would promote equity by granting Federal workers the same rights as private contractors to appeal decisions to contract out Government jobs. The Omnibus also strikes a requirement for minimal cost savings before decisions are made to contract out Federal work. To ensure accountability and transparency, Government contracting policies must achieve the best return on the dollar and be fair to Federal workers. These two goals are complementary.

The measure before us today fails to ensure diversity of our airwaves and deprives millions of workers of their right to overtime pay. In both cases, the other body and the Senate were in agreement on how to rectify these matters. However, the conferees, in working with the administration, determined that there should be a limit on the Federal Communications Commission's ability to grant licenses to only those stations that reach more than 39 percent instead of 35 percent of a market. In addition, the package before us will allow the U.S. Department of Labor to continue working on and finalizing its proposed rule to modernize and redefine exemptions from the Fair Labor Standards Act, which many employees have said will take away their right to be fairly compensated for work performed above their normal work schedule. The majority in Congress rejected the DOL proposal and urged the

leadership to maintain the Senate approved provision that would have prohibited the DOL from using funds to promulgate or implement its proposed rule.

The conference report fails not only in the case of worker's rights and consumer rights, but also in consumer safety. During consideration of the Agriculture appropriations bill, I offered an amendment that would have prohibited the U.S. Department of Agriculture from using any funds to approve for human consumption any meat products from downed animals. This amendment was agreed to in the Senate. While the other body defeated a similar amendment offered by Representative GARY ACKERMAN of New York, many of his colleagues later indicated that they were unable to vote that day and would have supported his amendment. The support would have been enough to accept the amendment. It is unfortunate that Congress, in earlier legislative vehicles, and the conferees in this package, chose not to be proactive in protecting our food supply. For more than 12 years, I have been working to address this matter, and my amendment was the most recent example of that. While the USDA is making some strides to now address mad cow disease in cattle, we need to codify their efforts and expand the ban to all downer livestock that may pose a risk to human health, the importance of which was highlighted recently with the discovery of a diseased downer cow in the Pacific northwest.

Related to the Commerce Department, the provisions funding ocean exploration activities, marine aquaculture development, and coral reef research are disappointing. At the proposed levels, our country will not be able to promote an economically viable and environmentally feasible aquaculture industry to address the \$7 billion seafood trade deficit. Activities exploring the deep ocean, one of the last scientific frontiers on Earth, need to be a greater priority in order for us to properly manage and protect these fragile marine communities. I am also concerned that an estimated 25 percent of the world's coral reefs have been lost and at least 30 percent are threatened by human activities. Funding levels in this conference report are insufficient to support research and monitoring activities for coral reefs, one of the most biologically diverse ecosystems on Earth that is worth hundreds of billions of dollars in marine services for our country and is certainly very important for Hawaii.

Although important education priorities are provided for, this conference report continues to fall short on major programs, particularly those that help disadvantaged and special education students. Public schools in every State are struggling to comply with the No Child Left Behind Act. However, budget shortfalls at the State level resulting from a fragile economy have restricted the resources available to our

classrooms. Our failure to fully fund the Federal commitment Congress made when it enacted the No Child Left Behind Act further strains the situation and sets even more schools up for "failure" and more teachers unable to become "highly qualified." The same goes for the commitment that we made even earlier in our history to fund the Federal portion of the Individuals with Disabilities Education Act. It may have been many years since I led a classroom as a teacher or a school as its principal, but I remember the support that we needed to ensure that all of our children receive a top-notch education.

Everything that I have recounted here—sentiments echoed by several of my colleagues—leads me to conclude that I am unable to support the package before us, in its current form. I urge the appropriators in both bodies of Congress to improve this package so that it can be something that all of us can support.

Mr. BIDEN. Mr. President, Americans believe in fair play: the right for everyone to have his say, the opportunity to get a job and make your own way in the world, a fair wage for a day's work.

This is not just idealism—we figure we are all better off if the system we live in is open and fair.

That belief in fair play is the foundation of this Senate and indeed of our constitutional system itself.

My father worked hard and he taught me that fairness is our most fundamental value. He taught me that we always have to stand up against the abuse of power at every level. Whenever someone uses their advantage, be it wealth, education, size, strength, whatever it may be, against someone else, it is wrong, and it goes against everything we stand for, everything we are as a nation and a people.

Not just the process is flawed. The product of that process, the Omnibus appropriations bill before us today, is flawed, too. It is unfair.

That back-room, unrepresentative process has produced legislation that deserves to be defeated, not just because of the way it was cobbled together, but because of what will happen if it becomes law.

Here is one result of that process: millions of men and women who will lose their right to time and a half overtime pay, a cornerstone of our workers' rights for over half a century.

Both the House and the Senate, with bipartisan majorities, voted last year to block new Labor Department rules that weaken overtime protections. But this bill cancels out that decision, allowing those rules to go forward.

The latest news from the jobs front—that hundreds of thousands of Americans have given up looking for work after we have gone through 3 years of job losses—sent a shock through financial markets. It should worry us all.

Now is not the time to be cutting the pay of those Americans who have jobs.

But that is just what weakening overtime pay will do.

While recent economic news has been positive, there is little hope for sustained, healthy economic growth without solid, good-paying jobs. Consumer confidence and consumer spending—the keys to our economy—ultimately depend on Americans' confidence that they have a secure job, a job that pays a fair wage for a fair day's work.

For over half a century, American workers have known what that meant—a 40-hour workweek, and time and a half if you worked overtime. You could count on that extra pay in exchange for the extra burden of working more than 40 hours a week.

Many workers often have no choice about working overtime—it is up to their boss. But if they have to work those extra hours, their employer is required to pay them time and a half. This has been a cornerstone of the social contract between labor and management, between workers and employers.

But despite the key role of the 40-hour workweek, despite the widespread reliance on time and a half pay for work past those 40 hours, this administration has proposed radical changes in the regulations governing overtime pay.

When I spoke here as a cosponsor of Senator HARKIN's amendment here on the floor of the Senate back in September, we heard from some supporters of the rule changes that they would not decrease the number of workers eligible for overtime pay.

But if there was any doubt about the real motivation behind these regulations, just look at the regulations themselves. They provide explicit instructions to employers on methods they could use to avoid increasing the pay of employees who, we are told, will become eligible for overtime pay.

So all of those workers we were told would benefit, who would "automatically" qualify for time-and-a-half overtime pay, if their pay is under \$425 a week, could easily see not one dime of new pay.

Employers are coached on ways to avoid any new costs and still comply with the regulations. So don't tell me this is going to add to workers wages—that claim is refuted in the regulations themselves.

And for other workers, with pay over that threshold, the regulations clearly threaten to take away overtime protections. They want to make it easier for employers to reclassify as many as eight million hourly workers who now get overtime pay, to make them ineligible for overtime pay.

Right now, if you are not "white collar"—working in management, essentially—your boss has to pay you time and a half for all the work you do over 40 hours a week. The idea is that more highly educated workers, who participate in management, who have significant authority over the workplace, are more properly classified as salaried,

not hourly workers. They get a fixed amount of pay, no matter how many hours they may put in a week.

Hourly workers, on the other hand, who do not manage the conditions under which they work, who have less to say about how the workweek is organized, must be compensated if they work more than the basic 40 hours. That has been the definition of a fair day's work for a fair day's pay for more than half a century, and its basic fairness still makes sense today.

But the administration's new regulations would make it easier—would actually create an incentive—for employers to classify workers who have little advanced education and little or no authority, to classify those workers as white collar workers.

Overnight, under these new regulations, millions of workers could lose the right to overtime pay. These rules are designed not only to make it easier to reclassify workers, but to make it pay for employers who do so. They will save money, since they will no longer be required to pay workers the time and a half rate that they are now guaranteed.

No change in the number of hours they could be required to do, no change in their education, no change in their responsibilities—just a change in the regulations in Washington, and they are out overtime pay.

That is one of the many reasons this legislation should be defeated, but it is not the only one.

Right now we have a law on the books that makes sure everyone who buys a gun is checked to see if they have a criminal record—or if they are on our terrorist watch list.

Those records are kept for 90 days—long enough to find out if a gun was sold to a criminal or terrorist, someone who initially may have appeared to have no criminal record or other "red flag" that would signal he is a bad guy.

Ninety-seven percent of the times that the reporting system discovered that a bad guy—a terrorist, a wife-beater, whatever—had mistakenly been sold a weapon, it took more than 24 hours to figure it out. Destroying those records in 24 hours will destroy our chances of catching bad guys.

The change in this legislation will mean that 97 percent of the criminals or others who are mistakenly sold a weapon will go undetected by a system that was supposed to make us safer. Does the public know about this? I don't think so. That is because of the closed-door, backroom deal making that cobbled this massive bill together. This provision has never previously been considered by the House or the Senate.

Bad process, bad product.

And that is true for what the leadership did with the issue of media ownership.

Last year, the FCC decided to abandon its long-standing limitation that said no company or person could own television stations reaching more than

35 percent of the Nation's viewing audience. The FCC raised that limit to 45 percent, threatening harmful consolidation among media outlets that could undermine competition and diversity among broadcast voices.

The FCC's actions were met with consternation from all sides of the political spectrum, and both the House and Senate voted with bipartisan majorities to forestall this change. But the will of the Congress was cast aside.

The leadership of the Congress—mind you, not the Members of the House and Senate—under pressure from an administration eager to take care of large corporate interests, removed the 1-year restriction on the FCC's changes and replaced it with a new permanent 39 percent cap.

The list of bad provisions goes on. When we wrote the farm bill in the last Congress, with the support of both parties, we included a requirement that when we shop at the grocery store, we know what country our produce and meats come from.

That rule—requiring labeling that indicates the country of origin—was to go into effect this year. But this legislation delays that rule for 2 years.

It rewrites the farm bill to delay that rule—something neither the House nor the Senate voted to do.

Since that change was put into this bill, we have now found out that mad cow disease made its way into our country from Canada. Not a major cause for alarm, but certainly a lot of folks would now want to know where their beef comes from. But it will be 2 years before they get that information, if this bill passes.

There is one other thing that has to be mentioned here today. We have come through the last 3 years, including several months of strong economic growth, but we are still not creating new jobs.

For the first time since the Great Depression, we have gone 3 straight years without creating a single new job. Not one. The unemployment rate has come down recently, but that is because the job picture is so bleak that over 300,000 people just stopped looking.

Long-term unemployment is a much bigger problem these days, especially in our hard-hit manufacturing sector.

The kinds of changes we have gone through in recent years means that many of those jobs just won't be coming back. Those that will come back will return slowly. That leaves hundreds of thousands of Americans running out of their long-term unemployment benefits.

But we went out of session last fall and let the extended unemployment compensation program just expire, at the worst possible time. And we come back today with this appropriations bill, leaving that program expired and those Americans without benefits.

There are now 2.4 million fewer jobs overall than there were when the last recession began. Every month, about 100,000 more workers exhaust their ex-

isting benefits. The most recent report of people dropping out of the job hunt altogether is all the proof we need that long-term unemployment is a key feature of this economy right now.

This is not the time to let the program expire, but this bill, which covers so many programs and so many policies in so many parts of our Government, fails to address this problem.

That is unacceptable.

For the bad policies that are in it, and for the good policies that have been dropped from it or simply ignored, I urge my colleagues to join me in voting against cloture on this bill.

This conference report continues the administration's attempt to undo the equation we put in place when I wrote the 1994 Crime Bill: more police equals less crime. The conference report cuts COPS by 24 percent, and cuts the Local Law Enforcement Block Grant program almost in half. These are proven programs that help local police departments beef up their staffs and modernize their equipment, and the cuts couldn't be coming at a worse time.

There is only \$756 million for COPS in the conference report, a drastic cut from the fiscal year 2003 level of \$978 million. COPS' core program—the initiative that helps local police departments hire new community police officers—is funded at just \$120 million, a 30-percent cut from last year and a far cry from the late nineties when the hiring program regularly received over a billion dollars per year.

These cuts are shortsighted, ill-conceived, and I fear they will significantly hurt local law enforcement's ability to fight crime. In a time of color-coded alerts, a rising murder rate, and an FBI increasingly focused on counterterrorism and away from violent crime, we are inexplicably asking the men and women of law enforcement to do much more with much less.

When asked to justify this approach, the administration responds that Federal resources for "first responders" are way up. Respectfully, that simply is not an adequate answer, and it reflects a fundamental misunderstanding of the needs of local law enforcement. Defending the homeland against a terrorist attack and preventing a woman from being raped are simply two different problems that require different solutions and different sets of contributions from the Federal Government.

I think Massachusetts Public Safety Secretary Edward Flynn is on the right track when he says, "terrorism is the monster that ate criminal justice".

We need to dedicate sufficient resources to fight international terrorism and local crime at the same time, but this conference report falls far short in this regard.

I recently received a letter from the International Association of Chiefs of Police where they express "grave concern" over the funding levels for COPS and the Local Law Enforcement Block Grant contained in this conference report. In their letter, the IACP states

their "belief that at this crucial time in our history, we cannot afford to reduce the effectiveness of our nation's state and local law enforcement agencies by cutting vital federal assistance programs."

The Nation's police chiefs are not alone in their concern. According to the U.S. Conference of Mayors:

too many families are still being ravaged by illegal drugs, too many citizens and law enforcement officers are put in danger due to drug and gun related crimes, and property and violent crimes are still a major issue in too many communities.

They also strongly oppose the cuts in this conference report.

The National Association of Police Organizations wrote me to say that this conference report "does not sufficiently address the needs of America's police officers in their dual fight against terrorist threats and domestic crime." I cannot support the cuts this conference report proposes, and I encourage my colleagues to listen to their mayors and police officers before casting their vote.

Mr. MCCAIN. Mr. President, because of time constraints, my comments will be brief. I will, however, make extensive remarks about the omnibus bill at a later time.

We are nearly 4 full months into fiscal year 2004 and we are still without 7 of the 13 annual appropriations bills. For the second time in less than a year, we are considering a massive omnibus appropriations bill, with this one totaling a whopping \$820 billion. Sadly, this conference report is loaded with over \$11 billion in special interest pork-barrel projects and legislative riders that have no business in this or any other spending bill.

This omnibus appropriations bill has received considerable and justifiable criticism in the press and it should serve as an alarming wake up call. We are facing a \$500 billion deficit. That's half of a trillion dollars—the largest ever. And what do we do when faced with such a problem? We spend even more. An article in Sunday's Washington Post pointed out what really drives the agenda here on Capitol Hill. The article states:

Today, the country still faces serious problems—oil dependence, child poverty, new gaps in health care coverage, deteriorating rural communities and failing public schools. One doesn't have to be an advocate of big government to believe Congress has a role in crafting pragmatic solutions to these problems. Yet as Congress returns this week, none of these issues is on the agenda. What is on the agenda? Why, things Congress has always excelled in: dispensing pork barrel projects and using taxpayer's money to reward supportive lobbies.

Additionally, an editorial in today's Wall Street Journal states:

The bottom line is truly shocking. Passage of the omnibus would raise total discretionary spending to more than \$900 billion in 2004. The editorial goes on to note that this increase should not be blamed on the war. It states that, At 18.6 percent, the increase in non-defense discretionary spending under the 107th Congress, 2002–2003, is far and away the



biggest in decades. In 2003, total Federal spending topped an inflation-adjusted \$20,000 per household for the first time since World War II. Let me point out just a few of the things that are included in this bill: \$450,000 for the Johnny Appleseed Heritage Center in Ohio; \$200,000 to the Rock and Roll Hall of Fame and Museum in Cleveland, OH for the Rockin' the Schools education program; \$175,000 to paint a mural on a flood wall in a city in Missouri; \$325,000 for construction of a swimming pool in Salinas, CA.

In addition to literally thousands of earmarks, this conference report contains major policy changes. Some of these provisions include legislative language authorizing the Bering Sea and Aleutian Islands crab fisheries rationalization plan, which would divide 90 percent of that crab market among just a small group of processors. Fishermen could only sell to those processors and only those processors would sell to consumers. This proposal has not been considered by the authorizing committees of jurisdiction, nor requested by the Administration.

Another legislative item included in this bill include media ownership provisions to undo a June 2 FCC regulation. Further, language is included mandating that the background check approval records issued after the purchase of a firearm be destroyed within 24 hours instead of the current policy of 90 days. This omnibus legislation also contains an environmental rider meant to benefit Briggs and Stratton, a major manufacturer of small engines. There is also language that redirects \$40 million for construction of a cargo terminal at the Port of Philadelphia that is designed to support high speed cargo vessels for a private venture. Today, not only do the vessels not exit, but their design is based on unproven technology.

We have to change the way we do business around here. Through our wasteful spending practices, we have succeeded in tying a millstone of debt around the necks of future generations of Americans. Today, we have an opportunity to make serious and substantial change in the way we treat the American taxpayer. Let's rise to the challenge. Let's not squander this opportunity. I urge my colleagues to vote against cloture on this horrendous piece of legislation.

#### CONSTRUCTION OF A PORT OF PHILADELPHIA MARINE CARGO TERMINAL

Mr. SPECTER. Mr. President, I rise today to engage in a brief colloquy with the distinguished chairman of the Appropriations Committee regarding the designation and use of funds from the National Defense Sealift Fund for the construction of a marine cargo terminal in the Port of Philadelphia. These funds were previously made available through prior appropriations bills. Specifically, these funds are to be used to complement funds being made available by State and local authorities in Pennsylvania and New Jersey for the construction of a new, dedicated, state-of-the-art marine cargo terminal for use by FastShip, Inc., in Philadelphia.

These funds were originally designed to provide for vessel loan guarantees for the construction of high-speed vessels capable of providing additional sealift capacity consistent with the existing vessel Title XI loan guarantee program of the Maritime Administration. As part of this program, certain equipment and infrastructure items can also be included in the scope of the loan guarantee that would enhance and facilitate the use of the vessels to be constructed. Some of the funds were to be used for equipment needed to load and unload the vessels and for state-of-the-art information technology and container and terminal security at FastShip's marine cargo terminal.

Specifically, these funds were intended to be used to support guarantees for the construction in a U.S. shipyard of vessels for FastShip to establish a high-speed cargo service operating out of a new, state-of-the-art terminal in the Port of Philadelphia. These vessels will now be constructed without the benefit of this loan guarantee program, leaving a funding shortfall for infrastructure improvements. Since the amounts to be made available through the vessel loan guarantee program for infrastructure improvements needed to complement state and local funding for the terminal are now not forthcoming, the reallocation of these previously appropriated funds specifically for infrastructure at the FastShip marine cargo terminal is consistent with, and is a replacement for, the source of funding that is no longer available. The Department of Defense should direct these funds through the Philadelphia Regional Port Authority to ensure that these funds are made available for this purpose.

Mr. SANTORUM. Mr. President, I rise to join the senior Senator from Pennsylvania, Mr. SPECTER, to reinforce the importance of this program. The development of high-speed sealift capacity is critical to national security and efforts like the one you have described are key to attaining this important objective.

I would inquire of the Senator if my understanding of the use of these funds is correct and that the reallocation of these previously appropriated funds specifically for infrastructure at the FastShip marine cargo terminal is to be directed through the Philadelphia Regional Port Authority to ensure that these funds are made available for this purpose.

Mr. SPECTER. I thank my colleague for his inquiry and would respond that his understanding is correct. Further, I thank my distinguished colleague for his support of this important project for the Port of Philadelphia and indeed for the development of enhanced sealift capability that will provide the necessary support for our service personnel who serve our country overseas.

Mr. SANTORUM. Mr. President, thank you for the clarification regarding the purpose and use of these funds

for a state-of-the-art marine cargo terminal in Philadelphia. I reiterate, this is an important project not only for the economic activity that will be generated for the Port of Philadelphia but also for the advancements in fast sealift in support of our national security interests.

Mrs. MURRAY. Mr. President, today I am voting to help Washington State restart our economy, create new jobs, and invest in our future by voting to move this Omnibus appropriations bill forward.

I am deeply angry that the White House and the Congressional Majority are trying to use this must-pass bill to sneak through some atrocious policies that the Senate has already rejected, but I know that this bill is not the last word.

Since the first days of this administration, I have fought attempts to threaten workers, undermine our environment and weaken consumer protections, and I'm not going to stop now.

While I continue my fight against the bad things that are in this bill, I will not let my State lose out on the many good things I worked to include. In fact, my experiences over the past few weeks have shown me just how big a difference these investments will make throughout my State.

I have spent the past month meeting with people in every corner of Washington—from teachers and students in Pasco, to farmers in the Skagit Valley, veterans in North Central Washington, and seniors in Aberdeen and Ballard. I sat down with the people who grow our produce, run our ports and operate our public utility districts. Together we celebrated our victory in landing the Boeing 7E7 and in opening new centers for research and tourism.

No matter where I went or with whom I met, one thing was clear. In every corner of Washington, neighbors are coming together to create jobs, rebuild our economy and create a better future. They are working to help our children, assist our seniors, and support our veterans and military families. They are working hard to turn things around, and they need the investments this bill will make in our schools, our infrastructure, our economy, and our people.

Washington State is talking about moving forward. We have been hit hard by the recession and lost 75,000 jobs over the last 3 years, but we are making progress. We had some great news in December when Boeing decided that Washington workers would build the 7E7, the next generation airliner. We are moving forward on transportation investments that will create jobs and improve our productivity, economy and quality of life. And we're moving forward with new growth industries from biotechnology to wine.

All across my State, I heard the message loud and clear. Washingtonians want to get our economy moving again and create new jobs. They're concerned about our men and women serving in

the Armed Forces in Iraq and Afghanistan and throughout the world, and want to make sure we provide for our veterans and military families. So, as we begin the second session of the 108th Congress, I'm working here in the Senate to help us move forward, and it starts with our economy.

I am not satisfied with the economy and particularly job creation in my State. I am disappointed that this administration's economic policy created just 1,000 jobs in the month of December while hundreds of thousands of unemployed workers abandoned job searches altogether.

I am outraged that the majority in Congress and the administration allowed 85,000 unemployed workers, including 7,500 in Washington State, to lose unemployment compensation just before the holidays. Over the next few weeks, an additional 37,000 unemployed workers in Washington State will lose their extended unemployment benefits.

I am not satisfied with the Omnibus Appropriations measure now before the Senate. The fiscal year started more than 3 months ago, and we still haven't finished the important business of passing appropriations bills to fund some of the most important functions of our Government.

We are unanimous in support of our troops fighting the war on terrorism, yet we haven't passed the VA-HUD bill with its critical increase in funding for veterans' health care.

The President travels the country celebrating the second anniversary of the No Child Left Behind legislation, but the funding we fought so hard to secure is still not at work on behalf of our kids. The money contained in this bill is not nearly enough to allow schools to make the reforms needed for our students to succeed.

Important transportation projects are stuck in neutral—jeopardizing their ability to move forward and create construction jobs now and to support long-term economic recovery. We should be talking about reauthorizing the 6-year highway bill rather than finally approving the long overdue funding measure for one fiscal year.

As a member of the Appropriations Committee, I am outraged that the hard work of the committee has been delayed and compromised by the Majority and the administration who are jamming Senators to force through bad policies.

I want to commend Chairman STEVENS and Senator BYRD for their hard work to pass the appropriations bill. We are here to debate an omnibus appropriations bill that the Appropriations Committee worked so hard to avoid.

I understand why many of my Democratic colleagues have chosen to oppose this bill. I share their anger at the administration's role in this process and our Republican colleagues' willingness to abandon issues like overtime protections that they voted for right here on the Senate floor. I seriously considered voting against this measure.

But I am a realist, and I am passionate about the needs of Washington State. People need jobs, transportation improvements need to move forward, veterans need health care, our students need support, and that is what I am voting for today.

As awful as some of the administration-backed provisions in this bill are, defeating the Omnibus appropriations bill will put our economy, our schools and our health care system at even greater risk.

It is a horrible choice the majority is forcing us to make. But today, I am voting for the jobs, security and growth that this bill will bring to the people of Washington State. I will vote for cloture and final passage of the Omnibus because I know my State needs the investments in this bill, and I do not want to deny or delay important Federal assistance to my State.

Before I close, I want to talk about some of the harmful and hurtful provisions that Republicans have inserted into this bill—particularly those targeting workers and consumers.

The only reason they attached them to this must-pass bill is because they know these horrible policies cannot stand on their own. In fact, with my support the Senate has defeated the administration's plans to erode overtime pay for workers and to increase media concentration. And we led the fight in the last Farm Bill to give consumers important country of origin information about our food supply. Despite the Republicans' maneuvers, this bill is not the last word on these policies. The fight is not over.

I am particularly outraged that the administration and the Republican leadership ignored the will of the majority of Members in both Chambers by removing the Harkin overtime amendment from the Labor/HHS Appropriations bill.

The Harkin amendment would have protected hard-working Americans who rely on overtime pay, like our first responders—our police, firefighters and nurses. One international police association estimates that 200,000 midlevel police officers will lose about \$150 million in overtime pay if the new draft overtime regulations are implemented. The Bush administration will also prevent more than 230,000 licensed practical nurses from getting overtime pay.

According to the Economic Policy Institute, the Bush overtime rule will mean a pay cut for up to 10 million working Americans.

Even more astounding, the Bush administration had the gall to actually give employers detailed suggestions on how they could cut workers' pay. To me it is unbelievable that our Government would proactively look for ways to hurt American workers.

These families are working hard, they are playing by the rules, they are trying to make ends meet, but the Bush administration and the Republican majority in this Congress are squeezing them once again.

Apparently, it wasn't enough for this administration to preside over a dramatic loss of manufacturing jobs. It wasn't enough for this administration to let out-of-work Americans lose their unemployment benefits before the holidays. Now this White House is attacking the take-home pay of those Americans who are lucky enough to even have jobs. It's appalling, it's wrong, and I'm going to keep fighting this administration's attacks on working families.

I am deeply disappointed that this bill diverts taxpayer dollars away from struggling public schools and spends them on a vouchers scheme in the District of Columbia. I will continue my fight against vouchers and my efforts to give our public schools the resources our students need.

In the end, I am confident that we will win because these awful Republican policies cannot stand up to public scrutiny. We will have more votes on the overtime issue. We will have more votes on the country of origin labeling and important food safety issues, and we will have more votes on vouchers and media concentration.

I vote for this bill today because of the many programs funded in this Omnibus bill.

Throughout my State, people are working hard to get our economy moving, and I am voting for this bill to give them the Federal support they deserve.

Mr. KOHL. Mr. President, I rise today in strong opposition to cloture on the Omnibus appropriations bill. I cannot fathom why the Senate would agree today to cut off debate on a measure that is fundamentally flawed precisely because it was put together without the input of the full House and Senate. We have before us a bill that allocates billions of dollars through a plan clattered together behind closed doors by the White House a very few Republican Members. It was a partisan, undemocratic process and the result is a bill that both thwarts the will of our constituents and makes a mockery of Congress's obligation to control this Nation's purse strings.

A vote for cloture today is a vote to rubberstamp the administration's wish list of policies and spending they couldn't get passed through the regular legislative process. And when you take a good look at what is in this bill—or what was forced out by the White House—you can understand why they had to put it together in a back room and why they want to push it through the Senate with little opportunity for debate.

The issues of concern in this massive bill are numerous—let me just highlight a few of the worst.

This Omnibus bill drops a provision to block a change in the rules that determine which workers are eligible for overtime pay. Both the House and the Senate voted in favor of maintaining the current rules. Both Houses agreed on a policy that would protect overtime for millions of working families—

but White House insisted on going ahead with their changes regardless of the bipartisan will of Congress.

Overtime is crucial to helping families make ends meet. In an economy that has lost 3 million jobs, those that have managed to hold onto their livelihood need the extra money that overtime provides more than ever. On average, workers who receive overtime receive almost 25 percent of their pay that way. And the President pushed for, and won, a policy of cutting that vital income for 8 million workers. Lowering wages for working people is not the way to stimulate this economy. Sending as many as 8 million people home with less money in their pocket is not going to spur investment and boost productivity.

And while the backroom negotiators chose to ignore the needs and concerns of workers with their overtime policy, they turned their backs on countless more consumers when they scuttled the country-of-origin labeling provisions passed by the Senate. If one thing comes through loud and clear from the BSE/mad cow experience, it's that consumers want basic information about the food they eat. To deny them such information takes from them a fundamental right to make decisions about their purchases, and their families' health.

I had hoped that we might discuss country-of-origin labeling—along with several other issues—during the conference on the Agriculture appropriations bill. Unfortunately, the conference didn't work that way. Rather than bridge the difference between the House and the Senate on labeling, the conference went behind closed doors and chose another direction entirely. It dismissed the Senate resolution in support of labeling, then went on to embrace and even expand on the House's ill-advised rider. The result, a public kept in the dark by the Government about where and how the food they eat is made.

The Omnibus also inappropriately compromises what Congress enacted regarding broadcast ownership rules. Both the House and Senate passed measures that would have reimposed the 35 percent national TV ownership cap, undoing a misguided FCC regulation that raised the cap to 45 percent. However, a deal with White House negotiators flouts Congressional intent and instead establishes a 39 percent limit—which seems less like a compromise and more like a favor to certain networks that currently own close to 39 percent of the Nation's broadcast stations.

Overtime pay, FCC rules, country-of-origin labeling—all policies inserted into this bill by the administration and against the will of Congress and numerous constituencies we were sent here to represent. Beyond these glaring flaws, there are many—too many—funding and policy decisions that are just plain wrong—and need further debate, further votes, further negotiation.

One obvious example is the administration's decision to slash funding for the Manufacturing Extension Partnership to a fraction of its past level. The Manufacturing Extension Partnership is one of the most successful Federal/State partnerships in Government. This program targets small and medium sized manufacturing firms, boosting productivity and increasing competitiveness as these firms face increasing pressure from global markets. The manufacturing sector has suffered devastating job losses during this past term, and the recent upturn in the economy left the manufacturing sector lagging far behind the rest of the country. MEP is a sound investment: MEP clients reported sales of \$2.2 billion, nearly 24,500 new or retained workers during fiscal year 2001.

Manufacturing is vital to building a strong economy, creating good jobs that contribute to a better standard of living for American families and a critical rung on the ladder of opportunity for those working toward a better life. The MEP has a proven record of preserving jobs and stimulating productivity in those firms utilizing MEP services. This vital program will be unable to maintain its public mission to serve small manufacturers without adequate Federal support. MEP has enjoyed wide bipartisan support due to the effectiveness of its programs and fine record of achievement, and failure to adequately fund this program is a disservice to our struggling manufacturing industry.

I am also very disappointed that this bill includes inadequate funding for education. When we passed the No Child Left Behind Act, we made a deal with our State and local partners in education. We insisted on real reform and accountability for results from States, school districts and teachers. And we authorized large increases in Federal funding to help them succeed. This was a bipartisan bargain that acknowledged that reform and resources must go hand in hand if we expect our Nation's public schools to improve.

But once again the appropriations bill before us falls far short of Congress' commitment. It is \$8 billion short of the authorized funding levels in No Child Left Behind. It provides only \$12.4 billion for title I, which serves disadvantaged, low-income students and was authorized at \$18.5 billion for fiscal year 2004. It provides only level funding for afterschool programs, which give students a safe and educational place to go during afterschool hours. The list goes on and on; this bill provides inadequate or reduced funding for many other programs under No Child Left Behind, leaving our schools—which are already struggling with budget shortfalls at the State and local level—with even greater challenges. In addition, while this bill provides an increase for Special Education, it is far short of meeting the Federal Government's promise to fund 40 percent of the costs.

This bill also shortchanges our most vulnerable youth by inadequately funding juvenile justice programs for the second straight year. The title V At-Risk Children's Program, which provides juvenile crime prevention funding to local communities, will only net \$25 million in this bill—this program should be funded about three or four times that amount. Overall, juvenile justice funding will receive more than \$100 million less in fiscal year 2004 than last year. This is unacceptable and we must do better.

If we are serious about our youth in this country, this bill certainly doesn't show it. We need to make their education and their well-being a top priority. Instead this bill cuts corners.

We can and should do better than this. We have done better than this in the bills and policies we put together on a bipartisan basis last year. I cannot support this bill or any motion to speed its passage. Not when it—against the will of Congress—steals necessary overtime income from over 8 million workers. Not when it—against the advice of the Senate—trashes a program that lets consumers make informed decision about the safety of the food they eat. Not when it overturns the clear decision of Congress to limit concentration in the media industry. Not when it violates common sense, common decency and the common good by slashing funding for programs that educate our children and nurture our manufacturing industries. I will vote against cloture today and against the bill if it comes to a vote. I urge my colleagues to do the same.

Mr. ENZI. Mr. President, I rise to speak about a specific provision in the Omnibus Appropriations bill. The bill before the Senate includes a 2-year delay in the implementation of country of origin labeling for all products except fish. I am highly frustrated with this delay because the conference committee went beyond the scope of its conference. The House bill only had a 1-year delay for implementation of country of origin labeling for meat and meat products. The Senate bill included an amendment indicating the strong support that country of origin labeling had in the Senate. The discovery of bovine spongiform encephalopathy, BSE, within our borders this holiday season was a wake-up call to the urgency of country of origin labeling implementation and the detriments of further delays.

After the announcement of a "presumptive positive" BSE cow in the U.S. domestic herd, the national and international response was immediate. Domestic markets plunged and our international trading partners slammed their doors shut to our meat products. Exports account for almost 10 percent of total U.S. beef production. Our largest export markets are refusing our product and bloating the domestic market. We've already lost a majority of our export market, a void that other beef exporting countries are

eager to fill. Unless we act now to restore the confidence of those markets, the relationships we have built for many years will be lost for good. In this situation, our trading partners need to be reassured that meat they purchase is "born, raised, and slaughtered" in the U.S. American consumers deserve this assurance, too. Country of origin labeling does this.

We have already paid for this lack of country of origin labeling. Exhaustive traceback and research by the U.S. Department of Agriculture has shown that the cow infected with BSE was imported from Canada. The rules that govern whether a country maintains "BSE Free" status are found in the Terrestrial Animal Health Code of 2003 generated by the Office of International Epizootics, OIE. The code says that a country can maintain its BSE-free status despite the discovery of a diseased animal if the animal was imported and all progeny—calves—of the diseased animal are disposed of. With country or origin labeling in place, the United States could have begun the fight for "BSE-free" status immediately. Instead, we were forced to wait weeks until it was confirmed beyond doubt that the diseased cow was born Canada.

I understand that some people say that we don't need to have country of origin labeling with the USDA is already pursuing a national animal identification program. This is simply not the case. A national ID program will be useful for health safety reasons. It will help pinpoint and track the spread of disease, but this information will not be passed on to the consumer. Tracking disease is not the only concern. Rebuilding consumer confidence should also be a high priority, and the only consumer-focused program is country of origin labeling.

Clearly, the answer to bolstering consumer confidence is country of origin labeling. We would do a great disservice to American consumers if the Senate suppressed country of origin labeling when the need for labeling is heightened.

The regulations for country of origin labeling were intended to be completed and implemented this year. I urge my colleagues to take the necessary steps to make sure this is the case. Now more than ever, we must stabilize the confidence of our consumers and let them enjoy the privilege of knowing that they are eating from the safest food supply in the world.

The PRESIDING OFFICER. Who yields time? The remaining time is controlled by the Senator from Alaska.

Mr. STEVENS. Mr. President, I say to my friends, I have no request for time, and there are 6 minutes remaining.

Mr. REID. Mr. President, we have no more requests for time. So for 5 minutes, I suggest the Senate be in a quorum call.

Mr. STEVENS. We will notify the two leaders. They still have reserved time, Mr. President.

Mr. REID. Until 10 till.

Mr. STEVENS. I suggest the absence of a quorum with the time coming out of our time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I will use my leader time to comment on the pending legislation.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, we are all eager to hear the President's agenda for the year. Before we move on, the Senate has some unfinished business from last year. This time last year Republicans promised a smooth appropriations process. In fact, it broke down to an unprecedented degree. It didn't have to be this way. Chairman STEVENS and Senator BYRD steered this process in an open, bipartisan fashion. Working together, they produced 12 appropriations bills that passed with broad, bipartisan support. As the majority leader noted this morning, we owe both of them a debt of thanks.

I am confident, had they been able to conclude the process they began, this debate would not have been needed. But because of the hubris of the White House and House Republican leadership, bipartisanship ended at the door to the conference negotiations. Hidden from the light of day, the White House hijacked the appropriations process, excluded Democrats, and wrote a bill to satisfy little more than special interest wish lists.

Today we are already 4 months into the fiscal year. We cannot undo the entire process, nor do we seek to. Democrats are united in our support for the vast majority of what is contained in this bill. But we should fix this bill before we finish it.

We want to give the majority a few days to work with the administration and the House to fix the most egregious provisions in this bill, provisions that have already been rejected by both Houses of Congress and bipartisan majorities. I have discussed our plans with Chairman STEVENS and the majority leader, and I believe they understand that we have no intention to block this bill. There is no reason to consider a full year continuing resolution and absolutely no risk of any interruption to the operation of the Government. The existing CR does not expire until January 31.

We could fix this bill with a simple correcting resolution and pass the Omnibus bill with broad, bipartisan support this very day. If we fail to do so today, all we ask is a few days to reconsider their actions. In doing so, we hope to salvage this process and begin this year on a note of bipartisanship, openness, and cooperation.

Three provisions demand particular attention.

American ranchers and farmers meet the highest safety standards in the world. But the discovery of mad cow disease in one imported Canadian cow has cast an unfair shadow of uncertainty over the American food industry.

There is a simple fix—implement the country of origin labeling law Congress has already passed.

This rule would put a "100% American Beef" sticker only on meat that was born, raised, and slaughtered in the United States.

Consumers want and deserve the right to make informed choices. In a recent poll, 85 percent said they would be more likely to buy food if it's American.

At a time when the rural community is struggling, the economic benefit of COOL to farmers and ranchers could be pivotal. That is why COOL is supported by 167 farm organizations representing 50 million Americans.

The Senate passed rule on two occasions with strong bipartisan support, in May 2002 as part of the farm bill, as well as in November.

It is time to enforce the will of the Senate and respond to the wishes of the American people.

The second issue is overtime. This bill would allow the White House to end overtime protection for American workers. This plan has already been rejected by the Senate by 54-45 and the House 221-203.

There is a simple reason why: It is bad for working families, bad for the economy. It would deliver a pay cut to 8 million workers, including emergency medical personnel, criminal investigators, nurses, physician assistants, teachers, agriculture inspectors, and more. Overtime pay accounts for nearly a quarter of take-home pay. For millions of families, it represents college savings, down payment for a house, medical bills.

At a time when manufacturing jobs continue to be shipped overseas and families are anxious about their finances, it would be cruel to end this vital protection that workers have depended upon for 70 years.

Finally, as to media ownership, when a few companies control the vast majority of media outlets in our country, our national discourse suffers and the vitality of our democracy is undermined.

There has been broad bipartisan support for maintaining limits. Last year, these limits won wide majorities in both the House and the Senate.

After first agreeing to retain language passed by the House and Senate to limit the number of stations a network can own, conferees bowed to White House pressure and included language that helps media conglomerates consolidate control over the airwaves.

This is special interest giveaway that directly harms the national interest, and it should be stopped.

There is more in this bill that could be improved. Provisions hidden within this 1,200 page bill would also threaten the education of Washington D.C. children through an untested vouchers scheme, undermine gun enforcement laws and allow more dangerous criminals to get their hands on guns, and contract out Federal jobs in key areas of government, leaving both Federal workers and citizens less safe and secure.

There are many more shortcomings. My colleagues could certainly point to other issues that deserve attention.

The Senate should not look the other way while a small minority overrides the will of the majority merely in order to reward one special interest after another.

We ask just a few days to improve this legislation. Let us fix this bill before we finish it. A few extra days of debate could prevent this bill from causing enduring damage to the Senate, our government, and our Nation.

Last year, with the White House and House Republican leadership at the controls, the appropriations process jumped the tracks. We have a chance to set things right and establish a tone of bipartisanship and cooperation for the coming year. I urge the Senate to make the most of this opportunity.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The majority leader is recognized.

Mr. FRIST. Mr. President, on leader time, I would like to make some closing statements on the importance of this bill, especially in light of the fact that although we have had 57 days for people to study the particular bill and what is in this bill, I want to put in a larger perspective why it is important to vote for cloture today and for us to bring to closure the unfinished business from several months ago so we can move ahead with the Nation's business this year.

I think first and foremost, every Senator has a real stake in passage of this legislation. Indeed, not just every Senator but the country has a stake in passage of this legislation. If we don't invoke cloture and subsequently pass this legislation, we will be shortchanging our diligent efforts and dedicated efforts in the fight against terrorism. We will be weakening funding for our food security and for our food safety system. We will be directly impacting in this vote millions of veterans. Those people who suffer from HIV/AIDS all over the world—our vote both today and subsequently for or against this appropriations package will affect them, whether it is in the prevention phase or in the treatment phase of HIV/AIDS. If we don't vote for cloture, if we don't vote for passage of this Omnibus bill—this collection of seven bills that addresses so many of the needs—we will be shortchanging the needs of schools in terms of Pell grants and in terms of Head Start. We will be shortchanging the lives of millions of Americans.

Many people have argued for a lot more spending in these bills, and many people have argued for a lot less spending. Whatever the merits of these arguments, again the whole process is a part of negotiations and, yes, compromise with the Senate, within the Senate, the House of Representatives, and the administration. But this is the product before us. Whatever the merits of those arguments for spending more or spending less, it is important that everyone understand the bill does abide by those spending limits that were agreed on between Congress and the executive branch, once you include the two emergency supplemental bills enacted last year, the ones enacted for the conflict in Iraq.

The appropriations spending authority will increase slightly—barely over 3 percent from 2003–2004—once this bill is enacted.

I spelled out briefly this morning the alternative to the bill. It is important for people to understand the alternative to passing this Omnibus appropriations bill. No Senator should be under any illusion, especially with regard to the fact that we are already one-quarter of the way through the fiscal year. One-quarter of it has already been completed. The alternative to a defeat of this appropriations package—this Omnibus package—is a full year of continuing resolution for the seven remaining appropriations bills.

I have to remind Senators because it has been a while since we have come back on the floor, and we haven't spent all day today going through all of the programs and what is in this bill in terms of education, title I, and special education programs, if we don't pass this package, will be cut by \$2 billion. The National Institutes of Health, if we don't pass this bill, would be cut by \$1 billion. Veterans health care—the health care for our veterans—would be reduced by \$3.1 billion if we don't pass this bill; highway funding by \$2.2 billion.

I mentioned global HIV/AIDS funding—people right now who are looking to America for that leadership—which would be reduced by nearly \$1 billion.

States would not receive the \$1.5 billion for the Help America Vote Act so we can increase funding for our election system.

The FBI's domestic terrorism fight would be curtailed by over \$400 million.

AmeriCorps would not be fully funded at the \$313 million level in this bill.

Agencies within the Department of Agriculture charged with animal health and food security would be reduced by \$80 million.

I just close by showing this chart. I know it can't be read clearly by my colleagues. Here you see scores and scores of organizations that have let us know over the last 48 hours of their strong support for this Omnibus bill. Again, I will not go through the list, but in the list you will find everything from the Public Lands Council, to the Veterans of Foreign Wars of the United

States, to the Disabled American Veterans, who say let's pass this bill, and let's pass this bill now. You see the Alzheimers Foundation, the American Foundation for AIDS Research, and you see the National Association for Biomedical Research. You see the International Association of Bridge, Structural, Incremental and Reinforcing Iron Works—again, scores of organizations that say pass this bill now.

What we all know is there is no perfect bill on this floor. All bills come as a product of compromise. That is a requirement of the legislative process.

It is now time to invoke cloture, to pass this bill, and to move on. I urge Senators to vote for cloture now—to vote for this bill and give children, veterans, schools, States, and needy Americans what they deserve.

#### CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk reads as follows:

#### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the conference report to accompany H.R. 2673, a bill making appropriations for the Department of Agriculture and Related Agencies for fiscal year 2004, and for other purposes:

Bill Frist, Rick Santorum, George Allen, Robert F. Bennett, Jon Kyl, Ted Stevens, Kay Bailey Hutchison, Ben Nighthorse Campbell, Mitch McConnell, Judd Gregg, Orrin G. Hatch, John Cornyn, Christopher Bond, Saxby Chambliss, Sam Brownback, Larry E. Craig, Richard Shelby.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the conference report to accompany H.R. 2673, a bill making appropriations for the Department of Agriculture and related agencies for fiscal year 2004, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Georgia (Mr. CHAMBLISS) is necessarily absent.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Minnesota (Mr. DAYTON), the Senator from North Carolina (Mr. EDWARDS), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 48, nays 45, as follows:

[Rollcall Vote No. 1 Leg.]

## YEAS—48

Alexander	Dole	Miller
Allard	Domenici	Murkowski
Allen	Enzi	Murray
Bennett	Fitzgerald	Nickles
Bond	Graham (SC)	Roberts
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Chafee	Hatch	Smith
Cochran	Hollings	Specter
Coleman	Hutchison	Stevens
Collins	Inhofe	Sununu
Cornyn	Kyl	Talent
Craig	Lott	Thomas
Crapo	Lugar	Voinovich
DeWine	McConnell	Warner

## NAYS—45

Akaka	Dorgan	Levin
Bayh	Durbin	Lincoln
Biden	Ensign	McCain
Bingaman	Feingold	Mikulski
Boxer	Feinstein	Nelson (FL)
Breaux	Frist	Nelson (NE)
Byrd	Graham (FL)	Pryor
Campbell	Harkin	Reed
Cantwell	Jeffords	Reid
Carper	Johnson	Rockefeller
Clinton	Kennedy	Sarbanes
Conrad	Kohl	Schumer
Corzine	Landrieu	Snowe
Daschle	Lautenberg	Stabenow
Dodd	Leahy	Wyden

## NOT VOTING—7

Baucus	Edwards	Lieberman
Chambliss	Inouye	
Dayton	Kerry	

The PRESIDING OFFICER. On this vote the yeas are 48, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. FRIST. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked.

The PRESIDING OFFICER. The motion is entered.

## MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there be a period for morning business until the hour of 4:30 today, with the time equally divided between both sides, and that Senators be limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SCHEDULE

Mr. FRIST. Mr. President, for the information of Senators, it is my intent to close the Senate at about 4:30 today to allow for us to prepare for the events surrounding tonight's State of the Union Address. I will be talking to the Democratic leader about tomorrow's schedule. I will return in about 40 minutes to announce tomorrow's agenda.

# PROVIDING FOR A JOINT SESSION OF CONGRESS TO RECEIVE THE PRESIDENT'S STATE OF THE UNION ADDRESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 349, which is at the desk.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 349) providing for a joint session of Congress to receive the message from the President on the state of the Union.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 349) was agreed to.

The PRESIDING OFFICER. The Senator from Delaware.

# COMMEMORATING THE LIFE OF FORMER SENATOR WILLIAM V. ROTH, JR.

Mr. BIDEN. Mr. President, TOM CARPER and I have a resolution at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 284) commemorating the life of William V. Roth, Jr., former Member of the United States Senate from the State of Delaware:

## S. RES. 284

Whereas William V. Roth, Jr. was born on July 22, 1921 in Great Falls, Montana, was raised in Helena, Montana, graduated from the University of Oregon, and earned law and business degrees from Harvard University;

Whereas William V. Roth, Jr. was decorated with a Bronze Star for meritorious service with Army military intelligence in the South Pacific during World War II;

Whereas William V. Roth, Jr. moved to Delaware in 1955 and resided in Delaware until his death;

Whereas William V. Roth, Jr. was elected to the House of Representatives in 1966, and served the State of Delaware with distinction until his election to the United States Senate in 1970;

Whereas William V. Roth, Jr. continued to serve the State of Delaware and the United States in the Senate from 1971 to 2001, where he personified the title "Honorable";

Whereas William V. Roth, Jr. championed tax and savings reforms and deficit reduction as Chairman and a member of the Senate Committee on Finance;

Whereas William V. Roth, Jr. worked tirelessly to control government spending as Chairman and a member of the Senate Committee on Governmental Affairs and to shape foreign policy as president of the North Atlantic Treaty Organization (NATO) Parliament Assembly and chairman of the Senate NATO Observer Group;

Whereas William V. Roth, Jr. was a man of integrity, decency, and character who was committed to his family and to the people of Delaware; and

Whereas William V. Roth, Jr. was a trusted friend and colleague and a dedicated public servant: Now, therefore, be it

*Resolved*, That—

(1) the Senate has learned with profound sorrow and deep regret of the death of the Honorable William V. Roth, Jr., formerly a Senator from the State of Delaware;

(2) the Secretary of the Senate shall communicate this resolution to the House of Representatives and transmit an enrolled copy of this resolution to the family of William V. Roth, Jr.; and

(3) upon adjournment today, the Senate shall stand adjourned as a further mark of respect to the memory of William V. Roth, Jr.

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I thank the Chair. I thank the clerk for reading the resolution in its entirety.

Mr. President, my friend, our colleague, Bill Roth, died while the Senate was out of session. Otherwise, I am certain there would have been a profuse outpouring of sentiment on the floor, as when any person of consequence dies.

Bill Roth was a man of the Senate and a man of consequence. He was also, even though we were on opposite sides of the aisle, one of my closest friends in the Senate. We had the honor, as my friend and colleague, Senator CARPER, and I do, of riding Amtrak together. In Bill's case and my case, we rode the train together almost every day for 28 years. Literally, for the first 24 years probably every day the Senate was in session.

You can't have that kind of proximity with a man or a woman without getting to know them pretty darn well. I got to know Bill very well. I got to know his family. I got to know his hopes, his dreams, his fears, and his concerns, as he did mine, my family, my hopes, dreams, and concerns.

An unusual thing developed: a bond of trust. I can and will say for the record that there is no person in public life I came to trust more than Bill Roth. I trusted him with my concerns. I trusted him with family issues. I trusted him with personal issues. And I trusted his judgment on political issues, even when he and I disagreed.

We would ask each other questions: What do you think would happen if I do the following? What do you think the consequence would be? Even though we were in opposing parties, neither hesitated to give our friend the best advice we could.

I once said that running against Bill Roth was like running against a wheat thrasher: big, gobbles up everything in his way, and he was very silent. Before it was all over, everything was harvested.

Bill Roth, I think, was the most underestimated man with whom I have served going into my sixth term as a Senator.

I might note for the record that Bill Roth's family is incredibly talented. His wife, Jane Roth, is one step away from the Supreme Court as a Third Circuit Court of Appeals judge. None of us

who know her ever hesitated to support her. We pushed her. She is highly regarded and, as my friend from Pennsylvania, Senator SPECTER, knows—and no one knows the Third Circuit better than he does; literally no one knows it better than he does—is one of the most respected jurists on that venerable circuit.

His son, Bud, is a lawyer who is an extremely talented young man, and his daughter, Katie, is a doctor. I might note that Bill finally had a namesake. Just shortly before he died, he got to see his daughter's son who they named William. Bill actually died here in Washington visiting Katie.

This is a man who lived a full life, raised a great family, and will be missed not just by his family, but by our entire State and all those who knew Bill.

I can say without equivocation that I would have been honored, quite frankly, to have any one of his senior staff members work on my staff. One of the ways I think you measure the mark of a national leader is to look at the people with whom he or she surrounds himself or herself. Look at the people who they pick to represent them. Look at the people who they choose to be their alter ego.

Without exception, Bill Roth chose administrative assistants and senior staff members out of the same mold as himself: always totally honorable, balanced, straightforward, not at all ideological.

I have close friendships, personal friendships, with Bill's former staff directors, people who still live in Delaware and, I might add—I don't want to ruin their reputations—support me politically, support me in my races. It is hard, as I said, in a State as small as ours—I see my friend from Utah, which has grown to be a very large State relative to us, but when I first arrived here, when his dad was here, with whom I served, I think we were a little bit bigger than Utah at the time.

In small States, everyone knows everyone. Everyone has a sense of who everyone else is. It is hard in a State as small as ours, when you are in close proximity to people you respect, not to let it show, and that is exactly what happened in Delaware.

We went through 28 years of serving together, and I cannot think of one single solitary time—not one single occasion—where Bill Roth had or I ever had even a negative inference asserted about the other guy. We have a tradition in Delaware of not being very negative and partisan. I can tell you with the single exception of one highly contested political race, you never heard TOM CARPER, you never heard our sole Congressman and former Governor, MIKE CASTLE, you never heard in my State any of us criticizing the other. It has been a wonderful State to represent.

Bill Roth set the pattern. He surrounded himself with people of character such as himself, and that is something that should be strived for.

Bill, as I said, was known on the Senate floor, known in the country like few of us will be for the Fulbright scholarships, for the Roth IRAs. Everybody knows that Bill Roth was a man who promoted savings. He was a man who was tight with the taxpayers' money, which is a great asset. We used to kid. Every once in a while we would go to a function here in Washington and we would take a cab together. I remember once Bill leaning in to talk to the cab driver.

I said: What are you doing?

He said: I gave him a dime tip and told him to vote Democrat.

He also had a sense of humor, which most people on the floor never got a chance to see.

I don't know anybody who worked with Bill Roth who ever suggested that you could not work with Bill Roth; that he would not weigh in.

One of the things I want to mention about Senator Roth, though—and I am trying to move through this in the interests of time because I know we have the State of the Union and I know matters are going to be brought up today—is that one of the hallmarks of his career is he had a real sense of proportion, a sense of proportion that is missing today in much of public life. He fully understood that the Federal Government was both dangerous and necessary, that it is of value and sometimes part of the problem. He never had any trouble distinguishing between when it should be proactive and when it should not be active at all. He was not driven by ideology that blinded him to the needs of the people of my State, the Nation, or blinded him to civil liberties and civil rights.

He used to always surprise many of my Democratic colleagues because Bill was always so conservative on tax policy. I hope I don't get my friend from Utah in trouble, but one of the things about him is he is a man of independence. I think it surprised some of my colleagues when he voted against the constitutional amendment on the flag.

They said: Wait a minute, this guy is a conservative. It is because he is a conservative, I might add, that he did vote against it. But it would always surprise my colleagues on the Democratic caucus. They would say: Wait a minute, Bill Roth is a strong proponent of Title IX. That is the title that says you have to spread a proportionate amount of money on women in sports and colleges and universities. Bill Roth was very strong on women's rights.

To the chagrin of his colleagues and some of mine, he is in large part a reason there is no drilling in ANWR. Bill Roth is a Republican leader of the effort to see there was no drilling in ANWR. We have the Tongass Forest in Alaska, which is multiple times the size of my State, because of Bill Roth. Bill Roth had an environmental record that could easily have been associated with a liberal Democrat. Bill Roth's views on women's rights, civil rights, was moderate to liberal.

It always used to surprise people on this side of the aisle when they would say, whoa, was that Bill Roth who just voted on this, that, or the other thing?

Bill Roth was a complex man, a man who could not be pigeonholed or characterized by a single label. But he was ultimately a practical guy, a man who knew what he thought, what he believed, and very quietly and unhesitatingly never, never ceased or backed off from what he thought was a right thing to do.

On a personal note, like all of you in these cynical times—I would like you all to know that Bill Roth was anything but cynical. Bill Roth was not only an honorable man, Bill Roth was a noble man. The word "nobility" comes to mind, to me. When I learned of his death—and I was caught off guard as I was asked by the press about it—the first thing that came to mind was: He's a noble man. He's a noble man.

Let me explain what I mean by that. It is the way he dealt with people. It is the way he acted. Name someone for me in contemporary politics who was a winner of the Bronze Star and never once mentioned it. You cannot find a single piece of campaign literature that I am aware of. I never heard him speak of it. I never heard his campaign use it. Who, today, would not be out there talking about having been the recipient of a Bronze Star—to prove their patriotism, to prove their bravery? Bill Roth never, never mentioned it.

This is a politician who was not afraid to use gimmicks. This is a guy who rode an elephant to make a point, out here in front of the Capitol. This is a guy who talked about the \$3,000 toilet seats and would hoist up toilet seats. He was a bit of a showman in that regard. But when it came to talking about himself, Bill Roth never did. He had this sense of nobility about him.

The other thing I loved about Bill Roth, in an environment where—I guess it has always been this case in politics—where money is king, campaigns cost so much money—Bill Roth was the chairman of the Finance Committee. Bill Roth could have raised more money than the Lord Almighty. But he always used to drive his chiefs of staff crazy when he wouldn't do what other people legally would do. He wouldn't call in the heads of the corporation and the business community and others who had great interest in what went on before the Finance Committee. He wouldn't do it. Bill Roth had trouble raising money. He was uncomfortable. I loved him for it. I loved the fact that he was uncomfortable doing it.

The other thing that used to drive me crazy sometimes, to show you how he was, I remember we had a little fight on the floor here about a thing most people don't know much about but in Delaware it is a big ticket item financially for the State—escheatment. Escheatment means when somebody dies and leaves no heir and owns a security, under the rules that exist now,



that money reverts to the State of incorporation.

So let's say you owned 1,000 shares of stock of General Motors and you passed away, you had no heirs, the estate was left—the State gets the estate. But which State gets it? Historically it has been the State where you are incorporated. So if General Motors is incorporated in Delaware, even though its business is in Michigan, the money goes to Delaware. That is a big amount in their budget.

There was a suit filed in the Supreme Court but the Supreme Court said, no, it is OK to do it that way, but it is up to the Congress to change it if they wanted to.

Mr. President, 78 Senators said let's change that, and 370-some Congressmen said let's change that. I didn't think it was a good idea to change it. I have a simple rule. I say it straightforward. I think I never take personally the competition for highway funds or bridges or programs. We all compete, each of our States, for that. I take it very personally when my colleague or a colleague in the Senate decides to take an action that would benefit his State only marginally, but would do great damage to my State. I take that very personally.

Changing law on escheatment would have been marginally beneficial to 47 other States but a gigantic detriment to my State. So I went to Daniel Patrick Moynihan; New York was affected by this. I went to my friend, my friend who is no longer here, Al D'Amato—affectionately referred to as pothole Al. And I went to my friend Senator KENNEDY from Massachusetts, and we said we are going to do what we can to see this doesn't change.

I will tell you the end of the story. We ended up winning. Even though over three-quarters of the Senate cosponsored the change and more than that in the House, we ended up winning in the end of the day. That was because our colleagues realized we took it personally, it didn't affect their States very positively, and they in fact saw the better part of valor here and were willing to help us.

I remember standing in the well of the Senate saying to Bill: Bill, you are chairman of the Finance Committee. Let your colleagues know this is important to you.

He said: I don't know. You tell them. You tell them.

He was even uncomfortable saying that. He was one of the most powerful men in the Senate and he wouldn't say: Hey, look, Bennett, this is important to me. Please help me. He wouldn't even do that.

Although he had all this power, the thing that was so beautiful about him, he was uncomfortable with power. I think it is always healthy when people are uncomfortable with wielding power. But he never hesitated to wield it when he thought it was absolutely clear cut.

So this was a guy who was a noble man. I just watched him. I watched him operate for over 28 years.

Mr. President, I ask unanimous consent to proceed for 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, there is a quotation engraved on the wall at Union Station. It goes like this:

Be noble, and the nobleness that lies in other men sleeping but never dead will rise in majesty to meet thine own.

Bill Roth also brought out the humility in those who worked with him and those who were around him.

There is much more to say about him. I have said too much.

I apologize. I did not realize that time was controlled. My colleague from Delaware, a cosponsor of this resolution, Senator CARPER, would like to speak. I ask whether my colleagues would object if Senator CARPER is able to proceed.

Mr. SPECTER. Mr. President, I have already talked to the Senator from Delaware. The junior Senator expects to speak 5 minutes, and I would like to be recognized to speak very briefly about Senator Roth and then introduce a bill. May I put that in the form of a unanimous consent request?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I would like to be allowed to speak very briefly about Senator Roth as well. I don't have a prepared statement. Could I go for 1 minute between Senator CARPER and Senator SPECTER?

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware.

Mr. CARPER. Mr. President, I am pleased to join my colleague, Senator BIDEN, in offering this resolution commemorating Senator Roth. I thank Senator SPECTER for his willingness to let me slip in ahead of him.

I recall any number of times visiting the Senate when I was Governor. I have had the privilege of testifying before the Senate Finance Committee that Senator Roth chaired. I remember revisiting him in his office in the Hart Building from time to time.

It is not uncommon when you walk into the office of Senators that you see their pictures on the wall. There were, I am sure, a few pictures of Senator Roth and his family and others on the wall of his office. It is less common to walk into a Senate office today as a person who succeeded in a case where you ran against an incumbent, as I did against Senator Roth, and find the photograph of the Senator who was defeated, in this case in my race against Bill Roth.

We have a tradition in Delaware called "Return Day." Every Thursday a few days after the election of even numbered years, winners and losers gather in our county seat in southern Delaware, Georgetown, DE, and have a great breakfast at the Delaware Technical Community College. Then the

winners and losers ride together in a horse-drawn carriage throughout the streets of Georgetown. Thousands of people come from all over the State to cheer those who won. The town crier comes out on the balcony of the White House in Georgetown in the circle and calls out the results from the election 2 days earlier.

On that Thursday after the election in November of 2000, I rode in a horse-drawn carriage with Senator Roth and members of his family, and some members of my own family. It was an open-air carriage. It was a beautiful day. I asked if he would like to stand. We stood. The driver and the horses were ahead of us as we started down the parade route sitting there with our hands on the seat behind the driver.

I said to him: Why don't we do something else? Let me hold your hand. I held his hand up in the air as one does at the end of a prizefight holding up the hand of a winner. We went through the entire parade that day holding up the hand of the winner who won so many elections during 34 years as if there really wasn't a loser but only a winner in this situation—a real winner. That picture of us holding hands is still in my office today. It is a great picture. It tells a lot about the spirit of politics in Delaware and about the respect for Senator Roth as well.

Senator BIDEN talked about some of the legislative accomplishments and the work that Senator Roth did with respect to NATO and the reorganization of the Federal Government.

While those issues are important and what he did legislatively with respect to NATO and others is important, in Delaware, a State with about 800,000 people, you also have an extraordinary opportunity to help people with problems in their lives. For folks who are trying to grapple with the IRS on issues that need to be resolved or on Social Security issues and veterans issues, you can quite literally every year change the course of about 1,000 or 2,000 families who come to your office for help.

That day as we went through Georgetown, DE, on "Return Day" in the parade, I am sure Senator Roth got bigger cheers than I did. They were from Democrats and Republicans and Independents. In part, those cheers were the result of the kind of staff he put around him. He hired excellent people. They set the gold standard for constituent service in our State. If you were a Democrat or Republican or Independent and you called his office for help, you got it. They did a terrific job.

Bill Roth understood that we are servants of the people. They pay our salaries. We have an obligation to give our very best effort. He made sure that was what his staff provided—and he provided it during the 34 years he served in the Congress.

I said to him after the election: You set the gold standard. The challenge for me and my staff is to try very hard

to match that standard. Maybe eventually, through new technology and training and services experience, we can even exceed it.

I have won statewide in Delaware 11 times. I have been fortunate 11 times. I have run against very good people but none more decent than Bill Roth.

At his memorial service at the University of Delaware a week after his death, we were joined by Senator SPENCER and others. Hundreds of thousands of people came from all over our State. One of the speakers said Bill Roth was a gentleman and a gentle man—a gentleman and a gentle man. He treated his staff, the folks who work in the cafeteria here, and the folks who run the elevators here with the same kind of respect as with his colleagues and his peers. I doubt that you can every day find that in a person who rises to the kind of power he enjoyed in this city and in this country. It says a whole lot about the man he was.

One of the persons who spoke at Senator Roth's memorial service was his former chief of staff, John Duncan, who is now Assistant Secretary of Legislative Affairs at the Department of the Treasury. I ask unanimous consent that excerpts of the very eloquent comments of John Duncan be printed in the RECORD. He said it certainly better than I could. It is the kind of tribute that belongs in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR WILLIAM V. ROTH, JR., MEMORIAL SERVICE, CLAYTON HALL, DECEMBER 21, 2003

Today we celebrate a unique man whose legacy will live on for us, our children and our grandchildren.

As the representative of the Roth staff, I appreciate this opportunity to honor the man who had such a significant impact on our country and the lives of so many people.

Just a few weeks ago, the Senator was in Washington and some of us got together for lunch. After an hour or so of laughter and story telling we all returned to our jobs.

On my way back to the office, I couldn't help but reflect on what a big influence Bill Roth has had on those of us who worked with him over the years.

Some had started working for him as interns, others as subject matter experts. Some were from Delaware and knew about the Senator before they went to work for him. Others were from outside Delaware and came to know the uniqueness of this man only after they came within his orbit. All, in their subsequent careers, had gone on to great success in business, government and academia.

One participant at lunch that day was a very high ranking official in the Commerce Department who had been the Senator's top trade advisor. He had the best of jobs. He traveled the world working on trade agreements that would shape the future of our country in the world economy.

For twenty minutes in great animation he regaled us with stories about the exciting thing he was doing. Listening, you couldn't help but be envious that any job should be so important and so much fun.

But at the end he paused and, in serious vein, told the Senator "This job is great. But the best job I ever had was working for you."

The reason I tell this story is that Bill Roth is known for many accomplishments. But his biggest impact was on the lives of the people who did things with him, many of whom are in this hall today.

Whenever we reflect on the nature of a person's life we experience an interesting problem. We want, in our reflections, to capture "who" they were. But with every effort to describe "who" they were we inevitably end up describing "what" they were and the uniqueness we experienced and are trying to express escapes us.

This difficulty in no way lessens the importance of what we are doing here as we remember the life of Senator Roth. For it is at the end of a person's life that the uniqueness that God gave each of us becomes most apparent.

Though the uniqueness of individual personality will always escape being captured in words, I am pleased to join with the others on this stage to add my contribution to the appreciation of this highly unusual man.

I'd like to start my remarks by focusing on some of the ideas the Senator brought to his work and how they led to the achievements we so much associate with him.

Though those ideas were many and varied they all focused on the concerns and worries of regular people—the people, from all walks of life, who work hard, pay their taxes, and care for their families.

Senator Roth believed that government exists to serve the people. He started first with his own office.

Over the years he employed a number of fine and talented caseworkers that citizens could turn to when the bureaucracy became overwhelming. It's difficult to travel very far in Delaware without meeting a person assisted by his office or seeing something he helped fund, from Amtrak, to the Dover Air Force Base to land set aside for conservation.

One of his first legislative accomplishments was the creation of a source book for citizens that catalogued available grant and assistance programs. How could the government serve the people, he reasoned, if the people had no idea what was available to them?

Years later he authored the Government Performance and Results Act which set performance standards for government agencies and held managers accountable for results. It was this program, you may remember, that Al Gore adopted as his central task as Vice President.

Evidence that the IRS had slipped beyond the control of the Congress and was in danger of becoming a rogue bureaucracy was what prompted the Senator to conduct hearings on the IRS.

To understand the importance of what he did you need to know, that at the time of his hearings, a congressional commission to modernize the IRS had finished its work and legislation implementing its recommendations had been introduced.

That legislation, though, was going nowhere. The IRS opposed it. The Treasury Department opposed it. President Clinton opposed it. But within months of Senator Roth's dramatic hearings the Congress passed the restructuring bill and the President swiftly signed it. Reform that normally takes years was accomplished in months—all because of the determination and timely leadership of Bill Roth.

It was as Chairman of the Governmental Affairs Committee that the Senator first disclosed his thinking that competition, so much a force for good in the private sector, might be useful in government administration.

The principle that competition ensures innovation and lowest cost operations was first

applied by the Senator to government procurement where he was an ardent opponent of the practice of sole-source contracting.

Later, in interesting and artful ways, the Senator would apply this principle to other areas of government.

He teamed-up with his friend and colleague Joe Biden to expand NATO's membership and mission. Because of their successful work, there are choices available for dealing with international hot-spots and freedom and security are more than just a dream for millions of people.

In the area of transportation, the Senator's vigorous support of Amtrak, the Wilmington Trolley, and alternative fuels was based on his belief that we are better off with alternative modes of transportation and energy.

The Senator was best known for his work on tax policy. He thought that every person who wanted a job should have one.

While he never thought we would ever be free from the business cycle, it upset him that the tax code—something we did control—discouraged the creation of jobs. The best thing to do, he reasoned, was to change the tax code in a way that encouraged people to work, save and invest.

That was the principle behind the Roth-Kemp tax cuts. Radical at the time, today the connection between low marginal tax rates and jobs is conventional wisdom, not only in America, but a good part of the world.

With tax policy moving in the direction of lower rates, the Senator turned his attention to changing retirement policy from income maintenance to asset ownership. He used his committee leadership positions to develop savings accounts as part of the Civil Service Retirement system and then created the highly popular Roth IRA.

As you can tell from the variety of things I've mentioned, Bill Roth was driven by big ideas and left a legacy of big accomplishments.

Success in Washington, though, doesn't just happen on its own. Anyone who knows the nature of public life can tell you that having a vision of a preferred future is not enough for success.

Abraham Lincoln, in one of his State of the Union Messages to the Congress, summarized it best when he wrote, "it is not 'can any of us imagine better?' but, 'can we all do better?'"

There are as many visions of the future as there are Members of Congress. The central task and art of political leadership is gaining the consent of a majority of Members to do the things that need to be done.

You can't get that consent, though, if you don't know how to work with your colleagues. Just as Bill Roth had a core set of beliefs that guided him in what he did, the Senator had a firm set of ideas about the conduct of business.

The Congress can be a complicated and difficult place in which to act. The rules are complex. People are unpredictable, emotions run high and the best of human nature is often absent.

The legislative process can too easily become a game in which each political party tries to score points at the expense of the other. Relationships can too easily descend into acrimony and bitterness.

Senator Roth avoided all that. To him, the conduct of politics came down to a set of straightforward activities: Express . . . Discuss . . . Persuade . . . Negotiate . . . Compromise. It was primarily through these activities that he gained consent and advanced his goals.

His basic technique was to carefully craft an initial proposal that reflected common interests. He'd then bring the Committee together and would not let anyone leave the

room until they reached agreement. His goal was agreement by consent. And nobody knew how to build consensus like Bill Roth.

He preferred persuasion to voting. But if the Senator needed votes, he knew how to get them. He knew when to negotiate. He knew how to compromise while remaining true to his principles. And, most importantly from the standpoint of his colleagues, he could be counted on to defend the products of joint decision.

I learned a secret from Bill Roth. In politics, as in life itself, means and ends are the same. To the Senator, how things were done was as important as what was done.

To him political power flowed from treating each colleague in a way that, as a group, they would never lose the ability to do things together. That understanding served him well and, in large measure, accounted for his success.

To the Senator the purpose of our political institutions is to move us forward as a nation, and keep us together as individuals.

Though he was a Republican and proud of his party's heritage, Bill Roth did not see the world in partisan terms. There is a nice irony here, because the ideas Bill Roth worked for have transformed the Republican Party.

Bill Roth felt that any important undertaking had to be done in a bipartisan manner. He had many friends on the other side of the aisle.

One of his closest friends was Joe Biden. The attentiveness and courtesies they showed each other convinced me that there was, in reality, a third political party that might best be called the Delaware Party.

As Senator Biden has often observed, Bill Roth led, but he led quietly. He didn't hog the spotlight, intimidate or run roughshod over his colleagues. In advancing his interests, Bill Roth rarely played hard bill. It was not in his personality to do so.

But if he had to, he could. I remember one time when he did.

The Senate was considering an extension of unemployment benefits. The legislation had been written in a way that excluded Delaware and some other states under the notion that their economies weren't suffering enough and didn't need the help.

Senator Roth's view was that Delaware's unemployed deserved to be treated just as well as the unemployed in other states. The states that benefited from the legislation had the votes to get it passed, but it was unclear whether they would break a filibuster.

I remember Senator Roth calling me from the Senate floor with a fire in his voice that I had never heard before and would never have occasion to hear again. He instructed me to locate a multi-volume history of the state of Delaware. I knew immediately that he and Senator Biden were prepared to read the entire history of Delaware to the U.S. Senate, if they had to, in order to stop this unfair treatment.

After a short but tense period of time the leadership backed off. The legislation was altered to include the unemployed from all states and passed by unanimous consent.

When the standoff was over, the Senator returned from the floor. The history of Delaware went back to the library. And I developed a new appreciation for the use of history in the development of public policy.

The Senator's personality was creative and fun-loving. He was always game for the unusual. He had a live elephant at a press conference when he was fighting to get attention for his tax cut proposals.

He hung spare parts from a Christmas tree to dramatize military procurement practices that were over-charging the taxpayer.

And on the first anniversary of the Roth-Kemp tax cuts, he wanted to celebrate every-

one getting a bigger piece of the economic pie. So he had prepared and served a giant baked apple pie—a pie so large that it qualified for the Guinness Book of World Records.

And as everyone in Delaware knew, the Senator campaigned with a Saint Bernard. He told me about the Saint Bernard once. He said it was his secret weapon.

People might resist a politician he told me, but nobody could resist a dog—especially if that dog was a big and happy Saint Bernard.

But even if parents could resist the dog, children couldn't. When the children came so did their parents. And there he'd be with his "Hi, I'm Bill Roth" button ready to greet and converse.

Hockey by some people's standards, but, when he told me that story, I knew why he became Delaware's longest-serving statewide lawmaker.

The Senator's love of his dogs was legendary in Delaware. But it wasn't as well known in Washington until a prominent local magazine did a profile on the Senator in which he listed his dog Sweet Pea as his closest advisor.

When people talk about Bill Roth as an individual one hears words like "kind . . . shy . . . gracious . . . thoughtful . . . considerate . . . humble . . . respectful."

These words accurately reflect Bill Roth's personality. But they need to be leavened with some additional qualities. Bill Roth was a demanding leader. You couldn't do what he did in Washington without focused drive and ambition.

Bill Roth came to Washington with grand purposes. As with all big efforts there were setbacks, disappointments and failures. But they never stopped him or even slowed him down.

Senator Roth had great expectations and desired to do well. They were expectations he put on himself and the organization. And they came, I think, at least to some degree from Delaware's special role in America's founding and its long history of quality political leadership.

No matter what he was working on or where he was in the world, Delaware was never far from his mind. When crafting important trade and tax legislation, he always considered its effects on Delaware products and businesses. When traveling abroad he pressed his hosts to open their borders to products from Delaware.

Poultry was always prominent in those discussions. The efficiency of the industry was astonishing to him. That Delaware poultry could be grown, processed and shipped to markets in foreign lands at prices competitive with local producers had a big impact on his thinking about trade and his confidence in America's ability to compete in a global economy.

It was important to the Senator that he employ the best talent. He insisted that everyone who worked for him have a clear understanding of what was expected at work and that they have the resources to do their jobs.

But the important element that stood out in Bill Roth's office was the way he treated his employees. He did not use and discard people. He cared about each of us as individuals. His interest went beyond the workplace to family and career.

Though he was a very busy man pursuing important objectives, he always had time—time to counsel, time to celebrate and time to console.

He brought out the best in his employees and launched them on their careers and took great satisfaction in everyone's achievements.

This is very unusual. It is in our families that we expect to be cared about for who we

are. By treating his employees as individuals and caring about their personal success, Senator Roth made each of us a part of his family.

I'd like to close my remarks by relating a small incident that I think says a lot about Bill Roth and his chosen profession of politics.

One day Neil Messick, the person who preceded me in my job, drove the Senator to a meeting. They parked in a large garage and went to their destination. When they returned to the garage Neil realized he had forgotten where he had parked the car.

He took a guess at the right floor but he chose wrong. Neil was new to the job and worried about the kind of impression he must be making on his new employer.

After some initial wandering around Neil turned to the Senator and said "You wait here and I'll go find the car."

The Senator, who had already sized-up the situation, said "Neil you've already lost the car, you're not going to lose me, too." And off they went in laughter to find the car.

This little incident says a lot about the Senator's quick humor and his desire to put people at ease. But it also says something about the nature of the political experience itself.

Politicians enter the public realm alone but they never travel it alone. They travel it with the family who supports them at home, the voters and friends who support them in the state, and the staff who support them at work.

Bill Roth made the journey with the support of all of you. He was a good man doing a tough job—a job he loved. You were the source of his energy.

The Senator confided in me one time that he viewed himself as a plodder. That self-assessment was accurate. But he was a plodder with a vision.

As your Congressional delegation can attest, success, as a legislator, requires the sustained and focused activity of small steps over a long period of time. And, with each step, elected representatives face unique and difficult challenges.

But, as Bill Roth's life has shown, if you have a vision, stay on course, and are attentive to relationships, then small steps lead to big accomplishments.

Last January, during a graduation ceremony at the University of Delaware, the Senator was described as a dedicated public servant, an esteemed leader on foreign policy, an acknowledged leader of reform, and a respected environmentalist. This is "what" Bill Roth was.

Later, in that same ceremony, a former employee and long time political advisor, Pete Hayward, used a different terminology to describe the Senator: "caring employer, patient teacher, supportive mentor, and trusted friend." This is "who" Bill Roth was.

Today we bring both together—what he did and who he was—and can appreciate the full measure of the man.

Thank you.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I will not take a great deal of time. I don't need to because all that needs to be said about Bill Roth has been said.

My wife and I had the privilege of going with Bill and his wife to Romania. We traveled with them to other countries throughout Europe talking about NATO and other issues. In that process, we became well acquainted with two of America's finest public servants. But on that occasion, they became two of our best friends.

I join with all of the people from Delaware and all of the colleagues in the Senate in paying tribute to Bill Roth, saying goodbye to him for his service, and extending my warmest sympathy and condolences to Jane for the loss of her husband as well as recognition of her service to this country. What a remarkable couple. America, as well as the State of Delaware, has been very well served for their willingness to participate in the public arena.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I join my colleagues in paying tribute to Senator Roth. I had the privilege of working with Bill Roth in the Senate for some 20 years.

On the route from Washington to Philadelphia I frequently road with Bill Roth as far as Wilmington. Frequently when I would catch the train in Philadelphia, I would see him board in Wilmington. During the course of 20 years, we had very many long and fascinating discussions.

Bill Roth was an outstanding Senator. He served in the House of Representatives in advance of coming to the Senate and was a native of the State of Montana. He was Harvard Law School educated. He was chairman of the Finance Committee. He had very deep insight into finances and taxes. He was a coauthor of the famous Roth-Kemp bill or Kemp-Roth bill—it depends on whether you accentuate the House or the Senate—with very substantial tax cuts in the early days of the Reagan administration. He later served as chairman of the Finance Committee, known for the Roth IRAs, so people could set aside funds and make a real contribution to the Nation.

My wife and I had the occasion to attend the memorial service for Senator Roth in Wilmington recently. As noted, his wife Jane is a very distinguished judge of the Court of Appeals for the Third Circuit, the circuit which covers Pennsylvania as well as Delaware and also New Jersey.

When Senator Roth finished his term at about his 80th birthday, it marked a very outstanding contribution to the Senate.

The PRESIDING OFFICER. Is there further debate on the pending resolution?

The resolution (S. Res. 284) was agreed to.

The preamble was agreed to.

Mr. SPECTER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. I ask unanimous consent the next remarks be in morning business under the introduction of legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 2008 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOTICE OF PROPOSED RULEMAKING

Mr. STEVENS. Mr. President, I ask unanimous consent that the attached statement from the Office of Compliance be printed in the RECORD today pursuant to section 4(c)(4) of the Veterans Employment Opportunities Act of 1998 ("VEOA") (2 U.S.C. 1316a(4)), and section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. 1384(b)).

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,  
OFFICE OF COMPLIANCE,  
*Washington, DC, December 8, 2003.*

Hon. J. DENNIS HASTERT,  
*Speaker of the House, House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER:

WITHDRAWAL OF NOTICE OF PROPOSED SUBSTANTIVE RULE MAKING, AND ADVANCE NOTICE OF PROPOSED RULE MAKING

On November 13, 2001, the Board of Directors of the Office of Compliance submitted proposed substantive rules for comment, pursuant to section 4(c)(4) of the Veterans Employment Opportunities Act of 1998 ("VEOA") (2 U.S.C. 1316a(4)), and section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. 1384(b)). The proposed substantive rules would implement section 4(c) of the VEOA, which affords to covered employees of the legislative branch the rights and protections of selected provisions of veterans' preference law. The Notice of Proposed Rule Making was printed in the Congressional Record on December 6, 2001 at H9065, et seq., and S12539 et seq.

In response to that Notice, the Board of Directors received comments which addressed the difficulty in promulgating regulations applying substantive veterans' preference rights in the absence of formal civil service merit personnel systems in the legislative branch. In view of the comments, and upon further consideration, the Board has decided to withdraw the notice of proposed rule making of November 13, 2001, printed in the Congressional Record of December 6, 2001.

The Board of Directors has initiated a new process of drafting proposed substantive regulations which would implement section 4(c) of the VEOA. The Board invites the informal input of interested parties in advance of the Board's completion of new draft regulations and publication of a new Notice of Proposed Rule Making in the future. Interested parties are invited to contact the Executive Director of the Office of Compliance, Room LA-200, 110 2nd Street, SE., Washington, DC 20540; 202-724-9250, TDD 202-426-1912.

We request that this notice be published in the Congressional Record. Any inquiries regarding this notice should be addressed to the Office of Compliance at our address above, or by telephone or TDD.

Sincerely,

SUSAN S. ROBFOGEL,  
*Chair.*

#### TRIBUTE TO LEE LEIGHTON

Mr. REID. Mr. President, I rise today to congratulate a man who is a husband, a father, a grandfather, a friend, and a hero.

Chief Lee Leighton is retiring after a remarkable career of 34 years with the fire department of Sparks, NV.

From the time Lee was born in Lynn, MA, he can never remember a time when he did not want to follow in his father's footsteps as a public servant. After the family moved to Nevada, his father joined the Washoe County Sheriff's office, and he showed Lee through example how important a job and a life's work can be.

Lee looked up to his dad. And as he looked toward his own future, he hoped to become either a policeman or a firefighter. As fate would have it, the fire department called him first, so he became a fireman.

Being the oldest of four children, Lee has always been a leader. He began his career in the fire department in August of 1969, and a few years later became the pump operator driver. The department, recognizing his ambition, promoted him to Captain in 1977. Over the years, Lee's dedication to the fire department was acknowledged and he was appointed battalion chief and then department chief. For the past 3½ years he has been the fire chief of the Sparks Fire Department.

When Lee joined the department, it had about 30 people. Now there are almost 100. He is leaving the department in good shape, with response times that are as good as any in the Nation.

His commitment to Nevada is evident not only through the years he spent working for the Sparks Fire Department, but through his passion and love for his job and life. This passion has also inspired his four sons to become firemen. They are serving Nevada through the Reno Fire Department, Storey County Fire Department, and Nevada Division of Forestry.

Lee's life as a public servant went beyond the Fire Department. He served 6 years in the Marine Corps Reserve, and Nevada Governor Kenny Guinn appointed him as a member of the Board of Fire Services. In addition, Lee participated as a member of the Department's Honor Guard, former chairman of the Sparks Fire Department Commendation Review Committee, and chairman of the Sparks Fire Department History Book Committee.

Sixteen years ago he met his future wife, Roberta Leighton. Roberta, or "Bobbi," was working as a police and fire dispatcher. Lee with his four sons, and Bobbi with two daughters and one son, became good friends. Over 8 years,

that friendship evolved into love, and they married in March of 1996. This March they will celebrate their eighth anniversary.

Lee and Bobbi plan to spend a few well-deserved months in Mexico, relaxing and enjoying the life they have established together. Of course, they will spend a lot of time with their seven children and six grandchildren. And Lee will now have more time to ride his Harley, possibly in the upcoming Street Vibrations festival, an annual celebration for motorcycle enthusiasts in Sparks and nearby Reno.

As they look forward to retirement, Lee and Bobbi can also look back on a job well done, a life well lived, and the important role they played in Sparks, NV.

So today, on behalf of all Nevadans, I offer congratulations and gratitude to Lee and Bobbi Leighton.

#### HONORING OUR ARMED FORCES

Mr. JOHNSON. Mr. President, I rise today to pay tribute to CPT Chris Soelzer, a resident of Sturgis, SD who died on December 24, 2003, while serving in Operation Iraqi Freedom.

Captain Soelzer was a member of the Headquarters Company of the 5th Engineer Battalion, which was based out of Fort Leonard Wood, MO. He was among three soldiers killed when a roadside bomb hit a military convoy near Samarra.

Answering America's call to the military, Captain Soelzer wasn't sure he was going to make a career out of the Army. However, according to his brother, "he was a soldier, that is what he lived for." A born soldier, he had attended Kemper Military School and College after graduating from Sturgis High School. A member of the school band, chorus group, and the track team, friends remember him as a quiet and gentle person. Captain Soelzer's former principal recalls that "he was a real gentleman, a real nice kid who was involved in a lot of things." Dave Mueller, a friend from high school remembers Captain Soelzer as a bright individual and remarked that "Academics was his big thing. I think he was close to straight A's."

Captain Soelzer served our country and, as a hero, died fighting for it. He served as a model example of the loyalty and dedication in the preservation of freedom. The thoughts and prayers of my family as well as the rest of the country's are with his family during this time of mourning. Our thoughts continue to be with all those families with children, spouses, and loved ones serving overseas.

Captain Soelzer led a full life, committed to his family, his Nation, and his community. It was his incredible dedication to helping others that will serve as his greatest legacy. Our Nation is a far better place because of Captain Soelzer's contributions, and, while his family, friends, and Nation will miss him very much, the best way

to honor his life is to emulate his commitment to service and community. In the words of Dave Mueller, "He was also a person who you'd barely have to know him and he would do everything for you."

I join with all South Dakotans in expressing my sympathies to the family of Captain Soelzer. I know that he will always be missed, but his service to our Nation will never be forgotten.

SERGEANT DENNIS A. CORRAL

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of Dennis A. Corral, a fellow Nebraskan and Sergeant in the U.S. Army. Sergeant Corral was killed on January 1 in Baghdad, Iraq. He was 33 years old.

Sergeant Corral served as a supply sergeant in Company C, 1st Engineer Battalion, 1st Brigade, 1st Infantry Division, based in Fort Riley, KS.

A resident of Kearney, NE, Sergeant Corral was a dedicated soldier who was committed to his family and country. Sergeant Corral volunteered to deploy early so that another soldier with a wife and children could spend more time at home, his mother, Yolanda, said. She described her son as always willing to "step forward if they need help."

In addition to his mother, Sergeant Corral is survived by his father, Victor, and brothers, Peter, Christopher, and Rodney. Our thoughts and prayers are with each of them at this difficult time.

Sergeant Corral and thousands of brave American service men and women confront danger every day in Iraq and their tremendous sacrifices must never be taken for granted or forgotten. For his service, bravery, and sacrifice, I ask my colleagues to join me and all Americans in honoring Sergeant Dennis Corral.

#### DR. MARTIN LUTHER KING, JR. DAY, 2004

Mrs. BOXER. Mr. President, throughout California and across America, millions of people gathered yesterday to celebrate the 75th anniversary of Dr. Martin Luther King, Jr.'s birth. Each year, thanks to a 1983 Federal law that I was proud to vote for, we take the third Monday of January to commemorate Dr. King's birthday.

In his immortal "I Have a Dream" speech, Dr. King shared his vision of a land where people of every religion, race, and creed could realize the American dream of freedom and opportunity. In the words of his wife, Coretta Scott King, we honor Dr. King's dream of "a vibrant, multiracial nation that has a place at the table for children of every race and room at the inn for every needy child." On Martin Luther King Day, we take this opportunity to reflect on the dream of an inclusive society in which all people are truly created equal.

On this day and all year long, Americans share in Dr. King's extraordinary commitment to improving the lives of

others. We remember his dream and take an active role in making it a reality. Throughout our Nation, people help those in need: they feed the hungry, house the poor, heal the sick, and offer a guiding hand to at-risk youth.

This week, as we mark the national celebration of Dr. King's birthday, let us not merely reflect on his work, let us live his legacy. On this Martin Luther King, Jr. Day, I ask you to join me in vowing to make Dr. King's dream a reality. Let us come together to take positive—yes, affirmative—action to give every American a real shot at the dream.

Mr. SMITH. Mr. President, yesterday, we celebrated Martin Luther King Day. For many of us, this day was a time to reflect on the progress we have made in protecting civil rights and the work that remains. Dr. King once said:

Injustice anywhere is a threat to justice everywhere.

No matter how far our Nation has come, we must never rest contented with the mistaken notion that we have done enough to protect our fellow citizens.

In 1998, a young man named Matthew Shepard was brutally beaten and left for dead simply because he was gay. He lived for 6 days in the hospital, just long enough for his family to gather and say goodbye. Matthew's story, and the heinous dragging murder of James Byrd 6 months earlier, brought hate crimes to the forefront of the national discourse. It taught us a profound lesson about the hatred that still lives in some of our citizens.

Hate crimes are violent acts intended by their perpetrators to send a message of animus and intimidation towards those whose religion, race, or sexual orientation might differ from their own. They are a violation of everything our country stands for. As Attorney General Ashcroft has said:

Criminal acts of hate run counter to what is best in America—our belief in equality and freedom.

Sadly, the number of reported hate crimes continues to grow at an alarming rate. The FBI catalogued over 9,700 hate crimes in 2001. That is an average of 26 hate crimes a day. At that pace, in the last 5 years, more than 47,000 hate crimes have been committed.

The current hate crimes law was enacted after the assassination of Dr. King, and it is woefully outdated. It does not apply to hate crimes based on sexual orientation, gender, or disability. Even in cases of crimes based on race, religion, or ethnic background, the law only protects victims who were attacked when engaged in "federally protected activities" such as jury service, interstate travel, or voting.

It is time to update this law, and I believe we have finally developed compromise legislation that can pass Congress. The Local Law Enforcement Enhancement Act, LLEEA, is a bipartisan bill that will provide support to local authorities investigating and prosecuting hate violence.

LLEEA requires the Attorney General to appoint a Federal prosecutor to promote cooperation between Federal and local law enforcement. In addition, the bill recognizes that not all violence constitutes a hate crime, and provides that only those motivated by bias, with the intent to terrorize the victim, may be prosecuted as hate crimes.

LLEEA has been endorsed by more than 175 law enforcement, civil rights, and religious organizations, including attorneys general for 22 States, the National Sheriffs' Association, the International Association of Chiefs of Police, and the U.S. Conference of Mayors.

Nobody should live in fear because of who they are. Congress cannot continue to sit silently by while hatred spreads. And as Americans, it is time for us to send a message that we are prepared to confront this national plague and take another step closer to making Dr. King's dream a reality.

Mr. PRYOR. Mr. President, yesterday we celebrated the life and legacy of a great man, a bold leader who inspired courage, unity and compassion. He changed the path of America's conscience, and he left his mark on Arkansas in so many ways. Dr. King time and time again came to the aid of Arkansans and supported others who were making significant sacrifices for civil rights.

In May of 1958, Dr. King stood in the audience at Central High School to witness the graduation ceremony of Ernest Green from Little Rock Central High. Ernest was the first of the nine black teenagers who integrated Central High School in 1957. Ernest, along with Elizabeth Eckford, Gloria Ray Karlmark, Carlotta Walls LaNier, Minnijean Brown Trickey, Terrence Roberts, Jefferson Thomas, Thelma Mothershed Wair and Melba Pattillo Beals shaped history by valiantly attending a previously all-white school.

Of her experience, Melba Pattillo Beals recalls:

I had to become a warrior. I had to learn not how to dress the best but how to get from that door to the end of the hall without dying.

These students' selfless act of courage changed history for all Americans in a tale that continues to have immediacy today.

As a student of Central High, I can tell you the impact of the Little Rock Nine is felt in the halls and in the hearts of its student body and teachers today.

Central High was designated as a unit of the national park system in 1998. In 2002, over 24,000 people visited the historic site with estimates of a potential 60,000 visitors by 2007. Incidentally, 2007 will be the 50th anniversary of the 1957-1958 Little Rock desegregation crises.

Dr. King was a man of eloquent and powerful words, and he exemplified his principles of love, tolerance, reconciliation and equality. As we all know, he sacrificed his life to usher in oppor-

tunity and freedom for all individuals. I remind my colleagues that we must do more than quote the empowering words of Dr. King. We must do more walking and less talking. As we honor Dr. King, I must approach a subject that has been so heavy on my mind.

I am disappointed to learn that the \$267,000 that I requested for planning the National Park Service's Little Rock Central High School Visitors Center was not funded in the Interior Appropriations bill, as I and other members of the Arkansas congressional delegation had hoped it would be.

The conference report notes that Central High was authorized in 1998 and that the general management plan was completed in 2002 and recommended a visitor facility. But then it goes on to say generally that this project is not a construction priority.

I am putting my colleagues on notice that I am going to fight for funds for not only planning but building this visitors center in this year's budget, and I urge my colleagues to join me in supporting a proposal that will complete the Little Rock Central High Visitors Center in time for the 50th anniversary in 2007.

The Little Rock Nine brought us closer to realizing Dr. King's dream of "the promised land," but we are not there yet. The visitors center will remind us where we once were, but also how much farther we need to go if we are to truly open the doors of opportunity for all individuals. Join me in supporting a message that is as important today as it was in 1957. Join me in supporting Dr. King's teachings and the bravery of nine black children.

#### HONORING THE LIFE OF FORMER SENATOR PAUL SIMON

Mr. FEINGOLD. Mr. President, today I wish to commemorate the distinguished life and career of my friend and former colleague, Senator Paul Simon.

Paul will forever be remembered for the great respect he earned during his 40 years of public service, thanks to his sharp intellect and tremendous leadership. These traits were as much a signature for him as his famous bow tie.

Paul's life is a testament to the fact that public service truly can be a noble calling. His service to his constituents was an inspiration. His office often handled more cases than any other Senate office. During his tenure he held over 600 town meetings in his home State of Illinois. Senator Simon's dedication to those he represented made him a role model to many, including myself. That is why I am proud to have campaigned for Senator Simon during his 1988 run for the Democratic nomination for the presidency.

Paul Simon was dedicated to education. He played a vital role in improving literacy and supporting adult education. His hard work on making student loans more affordable allowed many Americans the chance to go to

college. He was also committed to helping working Americans and, throughout his long career, he never lost touch with their concerns.

Senator Simon's dedication to public service and the education of others continued after his retirement when he founded the Southern Illinois University Public Policy Institute.

I was fortunate enough to serve with Senator Simon on both the Judiciary and Foreign Relations Committees. We worked together on many issues, but I will especially remember him for his commitment to campaign finance reform. His support during the early days of campaign finance reform was invaluable. I truly regret that he passed just 1 day before the Supreme Court's historic decision to uphold the Bipartisan Campaign Finance Reform Act.

During a time when many feel that political partisanship is on the rise, Paul Simon remains an example of decency and integrity. He was a mentor to me and so many others who were fortunate enough to have known and worked with him. He will be deeply missed. I will remain forever grateful for the work he did, for the example he set, and for his friendship, which I will always treasure.

#### BUDGET SCOREKEEPING REPORT

Mr. NICKLES. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the 2004 budget through December 9, 2003. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2004 Concurrent Resolution on the Budget, H. Con. Res. 95, as adjusted.

The estimates show that current level spending is below the budget resolution by \$2.1 billion in budget authority and by \$7.2 billion in outlays in 2004. Current level for revenues is \$227 million below the budget resolution in 2004.

Since my last report, dated November 21, 2003, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues for 2004: Fourth continuing resolution, 2004, P.L. 108-135; An act to authorize salary adjustments for justices and judges of the United States, P.L. 108-167; Medicare Prescription Drug, Improvement and Modernization Act of 2003, P.L. 108-173; Flight 100—Century of Aviation Reauthorization Act, P.L. 108-176; Hometown Heroes Survivors Benefits Act of 2003, P.L. 108-182; Veterans Benefits Act of 2003, P.L. 108-183; Fifth continuing resolution, 2004, P.L. 108-185;

Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003, P.L. 108-187; Compact of Free Association Amendments of 2003, P.L. 108-188; and, Mental Health Parity Reauthorization Act of 2003, P.L. 10-197.

I ask unanimous consent to print the following information in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, January 15, 2003.

Hon. DON NICKLES,  
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed table show the effects of Congressional action on the 2004 budget and are current through December 9, 2003 (the last day that the Senate was in session). This report is submitted

under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, as adjusted.

Since my last letter dated November 20, 2003, the Congress has cleared and the President has signed the following acts which changed budget authority, outlays, and revenues for 2004:

The fourth continuing resolution (Public Law 108-135);

An act to authorize salary adjustments for justices and judges of the United States (Public Law 108-167);

The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173);

The Flight 100—Century of Aviation Reauthorization Act (Public Law 108-176);

The Hometown Heroes Survivors Benefits Act of 2003 (Public Law 108-182);

The Veterans Benefits Act of 2003 (Public Law 108-183);

The fifth continuing resolution (Public Law 108-185);

The Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (Public Law 108-187);

The Compact of Free Association Amendments of 2003 (Public Law 108-188); and

The Mental Health Parity Reauthorization Act of 2003 (Public Law 108-197).

In addition, a correction was made to the final scoring of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136). The estimates of budget authority and outlays were each decreased by \$14 million for fiscal year 2004.

The effects of these actions are detailed in table 2.

Sincerely,

ELIZABETH M. ROBINSON

(For Douglas Holtz-Eakin, Director).

Enclosures.

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2004, AS OF DECEMBER 9, 2003

[In billions of dollars]

	Budget resolution	Current level <sup>1</sup>	Current level over/under (—) resolution
On-budget:			
Budget Authority .....	1,873.5	1,871.3	— 2.1
Outlays .....	1,897.0	1,889.7	— 7.2
Revenues .....	1,331.0	1,330.8	— 0.2
Off-budget:			
Social Security Outlays .....	380.4	380.4	0
Social Security Revenues .....	557.8	557.8	*

<sup>1</sup> Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made.

Note: \*—less than \$50 million.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2004, AS OF DECEMBER 9, 2003

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues .....	n.a.	n.a.	1,466,370
Permanents and other spending legislation <sup>1</sup> .....	1,081,649	1,054,550	n.a.
Appropriation legislation .....	0	345,754	n.a.
Offsetting receipts .....	— 366,436	— 366,436	n.a.
Total, enacted in previous sessions .....	715,213	1,033,868	1,466,370
Enacted this session:			
Authorizing Legislation:			
American 5-Cent Coin Design Continuity Act of 2003 (P.L. 108-15) .....	— 1	— 1	0
Postal Civil Service Retirement System Funding Reform Act of 2003 (P.L. 108-18) .....	2,746	2,746	0
Clean Diamond Trade Act (P.L. 108-19) .....	0	0	*
Prosecutorial Remedies and Other Tools To End Exploitation of Children Today Act (P.L. 108-21) .....	0	0	*
Unemployment Compensation Amendments of 2003 (P.L. 108-26) .....	4,730	4,730	145
Jobs and Growth Tax Relief Reconciliation Act of 2003 (P.L. 108-27) .....	13,312	13,312	— 135,370
Veterans' Memorial Preservation and Recognition Act of 2003 (P.L. 108-29) .....	0	0	*
Welfare Reform Extension Act of 2003 (P.L. 108-40) .....	99	108	0
Burmese Freedom and Democracy Act (P.L. 108-61) .....	0	0	— 10
Smithsonian Facilities Authorization Act (P.L. 108-72) .....	1	1	0
Family Farmer Bankruptcy Relief Act of 2003 (P.L. 108-73) .....	0	0	*
An act to amend Title XXI of the Social Security Act (P.L. 108-74) .....	1,325	100	0
Chile Free Trade Agreement Implementation Act (P.L. 108-77) .....	0	0	— 5
Singapore Free Trade Agreement Implementation Act (P.L. 108-78) .....	0	0	— 55
First continuing resolution, 2004 (P.L. 108-84) .....	— 2,222	1	— 2
Surface Transportation Extension Act of 2003 (P.L. 108-88) .....	6,405	0	0
An act to extend the Temporary Assistance for Needy Families block grant program (P.L. 108-89) .....	15	— 36	33
An act to amend chapter 84 of title 5 of the United States Code (P.L. 108-92) .....	1	1	0
An act to amend the Immigration and Nationality Act (P.L. 108-99) .....	0	0	2
Check Clearing Act for the 21st Century (P.L. 108-100) .....	0	0	*
An act to amend Title 44 of the United States Code (P.L. 108-102) .....	0	0	*
Second continuing resolution, 2004 (P.L. 108-104) .....	1	0	*
Partial-Birth Abortion Act of 2003 (P.L. 108-105) .....	0	0	*
Third continuing resolution, 2004 (P.L. 108-107) .....	0	0	— 1
Military Family Tax Relief Act of 2003 (P.L. 108-121) .....	— 599	— 599	— 169
An act to amend Title XXI of the Social Security Act (P.L. 108-127) .....	0	9	0
District of Columbia Military Retirement Equity Act of 2003 (P.L. 108-133) .....	1	1	1
An act to reauthorize certain school lunch and child nutrition programs (P.L. 108-134) .....	7	7	0
Fourth continuing resolution, 2004 (P.L. 108-135) .....	0	0	— 5
National Defense Authorization Act for Fiscal Year 2004 (P.L. 108-136) .....	4,404	946	4
An act to authorize salary adjustments for justices and judges of the United States (P.L. 108-167) .....	3	3	0
Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (P.L. 108-173) .....	4,800	3,800	— 167
Flight 100—Century of Aviation Reauthorization Act (P.L. 108-176) .....	19	— 2	1
Hometown Heroes Survivors Benefits Act of 2003 (P.L. 108-182) .....	10	10	0
Veterans Benefits Act of 2003 (P.L. 108-183) .....	— 77	— 77	0
Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (P.L. 108-187) .....	0	0	3
Compact of Free Association Amendments Act of 2003 (P.L. 108-188) .....	28	28	0
Mental Health Parity Reauthorization Act of 2003 (P.L. 108-197) .....	0	0	— 2
Total, authorizing legislation .....	35,008	25,088	— 135,597
Appropriation Acts:			
Emergency Wartime Supplemental Appropriations Act, 2003 (P.L. 108-11) .....	215	27,349	0
Legislative Branch Appropriations (P.L. 108-83) .....	3,539	3,066	0
Defense Appropriations (P.L. 108-87) .....	368,694	251,486	0



TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2004, AS OF DECEMBER 9, 2003—

Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Homeland Security Appropriations (P.L. 108-90) .....	30,216	18,192	0
Emergency Supplemental Appropriations Act for Defense and Reconstruction of Iraq and Afghanistan (P.L. 108-106) .....	3,555	1,133	0
Interior Appropriations (P.L. 108-108) .....	19,673	13,202	0
Military Construction Appropriations (P.L. 108-132) .....	9,316	12,567	0
Energy and Water Appropriations (P.L. 108-137) .....	27,328	18,143	0
Total, appropriation acts .....	462,536	335,138	0
Continuing Resolution Authority:			
Continuing Resolution, 2004 (P.L. 108-185) .....	300,166	157,548	0
Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs .....	358,395	338,102	n.a.
Total Current Level <sup>1,2</sup> .....	1,871,318	1,889,744	1,330,773
Total Budget Resolution .....	1,873,459	1,896,973	1,331,000
Current Level Over Budget Resolution .....	n.a.	n.a.	n.a.
Current Level Under Budget Resolution .....	2,141	7,229	227

<sup>1</sup> Per section 502 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes the following items: outlays of \$262 million from funds provided in the Emergency Supplemental Appropriations for Disaster Relief Act of 2003 (P.L. 108-69); outlays of \$456 million from funds provided in the Legislative Branch Appropriations Act, 2004 (P.L. 108-83); budget authority of \$400 million and outlays of \$67 million provided in the Interior Appropriations Act, 2004 (P.L. 108-108); and budget authority of \$83,992 million and outlays of \$35,970 million provided in the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (P.L. 108-106).

<sup>2</sup> Excludes administrative expenses of the Social Security Administration, which are off-budget.

Notes:—n.a. = not applicable; P.L. = Public Law; \* = less than \$500,000.

SOURCE: Congressional Budget Office.

### LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

In early May 2003, Jessica Mercado, a Latina transgender woman was found dead in her apartment. According to police reports, Mercado was stabbed twice in the neck in her New Haven, CT apartment which was then set on fire in a possible attempt to cover up the crime.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

### TROUBLING PRE-ELECTION DEVELOPMENTS IN UKRAINE

Mr. CAMPBELL. Mr. President, as co-chairman of the Helsinki Commission and the sponsor of the 2002 Senate-passed resolution urging the Ukrainian Government to ensure a democratic, transparent and fair election process in advance of their parliamentary elections, I find recent developments relating to upcoming presidential elections in Ukraine deeply troubling.

Ten months before these critical elections, a constitutional amendment is making its way through the Ukrainian parliament designed to ensure that the current, corruption riddled powers-that-be retain their grip on power, neutralizing the leader of the biggest democratic fraction in parliament and Ukraine's most popular politician, Victor Yushchenko. The amendment calls for abbreviating the presidential term for the October 2004 elections to 2 years, with the election of a president

by the parliament in 2006, notwithstanding opinion polls indicating that the overwhelming majority of Ukrainians support preserving direct presidential elections. This amendment had been approved by Ukraine's Constitutional Court in a decision which has led many observers both within and outside of Ukraine to question the independence of the court. The court's decision a few weeks ago to allow President Kuchma to run for a third term, despite the 1996 constitution's 2-term limit, has only raised more questions.

Media repression continues, including the issuance of directives sent to media by the presidential administration on what and how issues and events should be covered, especially in the electronic media. A recent Freedom House report concludes that:

The current state of affairs of Ukraine's media raises serious questions as to whether a fair and balanced electoral contest can be held.

Newspapers critical of the authorities are subjected to various methods of repression, including attacks against journalists, arrests of publishers, "special attention" via tax inspections, administrative controls over distribution and pressure on advertisers.

At the same time, administrative measures are being taken to prevent lawful political activity, the most stark example of which was the disruption—instigated by the authorities—of a national congress of the Yushchenko-led Our Ukraine bloc in Donetsk last November. Most recently, a presidential decree dismissed the elected Our Ukraine mayor of Mukachevo, despite a ruling by the Supreme Court which confirmed that he had been elected in a legitimate way. In a telling twist, an acting mayor from the political party led by the head of the presidential administration, Victor Medvedchuk, has been installed.

As co-chairman of the Helsinki Commission, I share the concern of colleagues on both sides of the aisle that the presidential elections in Ukraine scheduled for October be free, fair, open and transparent and conducted in a manner consistent with Ukraine's

freely undertaken commitments as a member of the Organization for Security and Cooperation in Europe—OSCE. The Helsinki Commission, consistent with our mandate to monitor and encourage compliance with OSCE agreements by all participating states, will continue to follow the situation in Ukraine closely.

I ask unanimous consent that the text of a recent Washington Post editorial on troubling pre-election developments in Ukraine be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 12, 2004]

#### A RESOLUTION FOR UKRAINE

According to Secretary of State Colin L. Powell, the Bush administration's first foreign policy resolution for 2004 is "to expand freedom." And not only in Iraq and the Middle East: In an op-ed article published in the New York Times, Mr. Powell promised to support "the consolidation of freedom in many new but often fragile democracies . . . in Latin America, Europe, Asia and Africa." We hope that support will extend beyond the rhetoric that too often has substituted for genuine democratic advocacy during President Bush's first three years—and that it will be applied even where the United States has interests that make toleration of autocracy tempting.

One region where such U.S. engagement, or its absence, might prove decisive is the band of former Soviet republics to the west and south of Russia. Several are struggling democracies; others are ruled by autocrats. Almost all are under threat from Moscow's resurgent imperialism. As the tiny state of Georgia recently demonstrated, democracy is the best defense against Russian President Vladimir Putin's attempts to create a Kremlin-dominated sphere of influence. Countries that have held free and fair elections have tended to gravitate toward strengthening their independence and seeking good relations with the West, while unstable autocrats are more likely to yield to Mr. Putin.

The country closes to a tipping point may be Ukraine. Like Russia, Ukraine has an electoral democracy tainted by corruption and strong-arm tactics and an economy warped by clans of oligarchs. Much of its population, however, aspires to integration with the West. President Leonid Kuchma has been linked to corruption and serious human rights violations. In recent months he has

been moving steadily closer to Mr. Putin, allowing a Russian takeover of much of Ukraine's energy industry and signing an economic integration treaty.

Now Mr. Kuchma appears to be looking for ways to curtail Ukraine's democracy so that he can prolong his own hold on power when his term expires this year. Last month his allies in Parliament pushed through the first draft of a constitutional amendment that would cut short the term of the president due to be elected in October and provide that future presidents be chosen by Parliament—where Mr. Kuchma's forces retain control. Then the judges he appointed to the supreme court ruled that the constitution's two-term limit does not prevent Mr. Kuchma from serving again. The president's cronies protest that they are only moving the country toward a more parliament-centered system, and Mr. Kuchma coyly says he has not "yet" decided to seek another term. But the effect of his moves would be to neutralize the country's most popular leader, Viktor Yushchenko, who, polls say, would win the next presidential election if it were fairly held.

More than Mr. Kuchma's quest for continued power is at stake, Mr. Yushchenko is popular precisely because he is associated with those Ukrainians who seek to consolidate an independent democracy and move the country toward integration with Europe. Mr. Putin surely will be sympathetic to Mr. Kuchma's subversion of the system. The question is whether the Bush administration will work with Western Europe to mount an effective counter. Freedom could be consolidated this year in Ukraine or slip away. The outcome may just depend on how well Mr. Powell keeps his resolution.

#### ADDITIONAL STATEMENTS

##### POEMS FROM RUSTON ELEMENTARY SCHOOL

• Ms. LANDRIEU. Mr. President, each year I try and take advantage of the opportunity to visit some of the high performing schools in my State. This past year, I had the privilege of spending time with the students of Ruston Elementary School in Ruston, LA. I was very impressed by them and their level of achievement. The fifth grade students had just spent the semester studying the U.S. Senate and its role in American democracy. They were eager to learn about our work and the many traditions that make the Senate one of the most deliberative bodies in the world. I asked some of the students if they would mind sharing some of their work with me so that I may bring it back to Washington and enter it into the RECORD. I would like to thank their teacher, Sonja Walker, for all of her good work. In these poems, the children tell us that they are proud to be an American. I, for one, think America should be proud of them.

I ask that the following poems be printed in the RECORD.

The poems follow:

##### I'M PROUD TO BE AMERICAN POEM (By Alhira)

I'm proud to be an American today.  
We have rules here in the USA.  
Rules that we love, rules that we hate.  
I'm proud to be an American in the USA.

We have nice, kind, and sweet in the USA.  
I love to be an American.

##### FLOWERS

(By Sabrina Bowden)

Some flowers are red,  
Some flowers are blue,  
Some are yellow, green, and purple,  
Like Mardi Gras masks  
Worn on children's smiling faces,  
While others are orange or white.  
But one thing they all have in common  
Are the big green stems  
And leaves that support the petals  
And carry fresh, clean water to the leaves.

##### BUTTERFLIES

(By Pymir Brown)

They swirl around in my stomach.  
It feels like I'm going dizzy.  
They're playing volleyball.  
Hitting the ball over the net,  
Back and forth  
To each other.  
Don't you just love butterflies?

##### BUSY

(By Jasmine Calloway)

Busy.  
Busy yesterday,  
Busy today.  
Busy tomorrow,  
Busy everyday.  
Busy and work,  
Must be the same.  
Work today,  
Busy tomorrow.  
If you think about it,  
It's all the same.

##### REMEMBERING ABE

(By Travis Carter)

America seems so beautiful,  
When I see the flag wave,  
But the most thing I think  
Of is when Abe freed the slaves.  
He brought everyone freedom  
And stopped segregation.  
He let everybody work together  
To form a nation.  
Abe helped us greatly  
Through our troubled days,  
So now we have love  
In all sorts of ways.

##### LOVE

(By Crystal Harris)

Love,  
Love is something you can't make or take,  
It just comes on a regular basis.  
But sometimes your love could be taken  
away.  
It might be the one you never even cared for,  
your love.  
You just tricked your love.  
Its hard to say goodbye to your love and it  
never comes back.  
Don't just dangle over a haystack, go find  
another love,  
And love him like you never loved any one  
before.  
Love,  
Love,  
Love.

##### I'M PROUD TO BE AN AMERICAN

(By Jamakia Hatter)

I'm proud to be an American,  
I'm proud to do what I do, aren't you?  
I'm proud to stand for what I stand for,  
Especially when you're number one.  
I'm proud of what I believe,  
I'm proud to be in a country that's free.  
My country tis of thee and its sweet land of  
liberty.  
This is why I'm proud to be an American.

##### FEELINGS

(By Judy Huynh)

Feelings, hopes, dreams

Treasured so beautifully  
Like a butterfly flying across the meadow.  
Feelings, sorrows, madness  
Swirling so painfully  
Like a tornado.  
Your hopes and dreams sink  
Your heart is so cold and pure of darkness  
Like a vacuum feeding on your sorrows and  
madness.  
Feelings, feelings, feelings.

##### IF I WERE PRESIDENT

(By Kevin Jackson)

If I were President, it would be fun. I could  
do all kinds of things.  
I know I would have to do a lot of work, but  
in my free time, I would do this.  
First, I would go and meet Michael Jackson.  
He is my favorite singer and he would teach  
me how to do the moon walk.  
Next, I would go meet my favorite actor,  
Chris Tucker.  
He was in my favorite movie, Rush Hour 2.  
I would ask him about the movie.  
Last, but not least, I would get my groove on  
by going to China.  
I would do all kinds of things. I would eat  
Chinese Food everyday.  
This is what I would do.

##### IF I WERE THE SENATOR

(By Randall Loyd)

If I were the Senator,  
I would make a law about recess,  
Or even school.  
I would make a law of pizza.  
There would be free pizza.

##### AMERICA THE VACUUM CLEANER

(By Ben McFatrige)

Like a giant vacuum  
America  
Sucking all of the evil and terrorists  
Out of the world,  
Until it is clean,  
And rid of terrorists.

##### FROM CHAOS TO COURAGE

(By Matthew Rich)

We watched them fall,  
With unbelieving eyes.  
We saw it burn,  
With staring eyes.  
We saw the rubble,  
With teary eyes.  
Then we saw the flag,  
With its brilliance,  
Shining through the dust.  
Now we see it  
With courage in our eyes.

##### PLEASE REMEMBER

(By Samantha Rich)

Remember when time was ours to enjoy.  
Sometimes you wish you could turn around,  
And live it again,  
But you can't.  
So remember,  
Remember what happened.  
How we were there for each other,  
Singing Christmas music,  
Cheering for each other,  
Hoping for each other to win.  
So remember all that happened,  
Back when things were the same,  
And I'll always remember you and smile.  
Though memories last, time goes on.  
Although it is hard,  
We always have to say goodbye.  
So please remember,  
Please remember me.

##### WHY

(By Shane Rich)

Sometimes I wish I could just ask why, and  
that why would be answered.  
If I had that opportunity this is what I'd ask.  
Why can't we have world peace, where ter-  
rorists didn't exist, and bombs, and  
guns, and wars were unheard of?

Why can't we come together to join and be a nation?  
 And why can't it be that no one was prejudice or racist?  
 And why can't we take out all the bad and use truth and kindness to fill it in?  
 But if I could change it I wouldn't, because I'm going to leave that to God!•

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

#### DECISION TO LEAVE SENATE

• Mr. BREAUX. Mr. President, 35 years ago Lois and I, along with John Jr. and Bill Breaux, rented a U-Haul truck and headed north to Washington, D.C.

Lois tells the story about Bill the night before we left saying his prayers and concluding with "Good-bye God, we are moving to Washington." And, we had to pull John Jr. from under the house.

Well, today, John Jr. is 38 years old. Bill is 37, and Beth is married to Jeff Shepherdson and has three children—Anna Kate, 6, Campbell, 4, and C.J., 2 years old, and Julie, our youngest is now 28, works in New Orleans, and is here with us today.

I'll always remember that trip. My mother, who is deceased, and my father, followed us to D.C. We got there at night. I had never even visited Washington, so we drove right to the Capitol, and that evening the Marine Corps band was in concert on the Capitol steps. It was beautiful, and I thought they were playing just for us.

It's been a great 35 years—a few years as a staff person, 14 years as a Member of the Congress, representing southwest Louisiana, and it will be 18 years as a U.S. Senator, representing our State of Louisiana. I had the privilege of serving with five Governors and seven Presidents.

I have said for a year now that I would announce my decision whether to seek another term as U.S. Senator after the governor's election this year. I further said that I would make that announcement between November 15 and December 15. The difficulty of that decision is shown by the fact that today is December 15.

Lois and I have spent a lot of time discussing this decision—not formally, but, "what do you think?" type discussions. Although one time she actually sat up in bed, drew a line down the middle of a page, and listed the pros and cons of running—not surprisingly, they came out just about even.

We have received lots of advice—from my staff, from family and supporters here in Louisiana, and from around the country. Some of the letters from total strangers were so touching and heartfelt that we will forever treasure them.

My colleagues in the Congress, especially in the Senate, spoke to both Lois and me frequently with their thoughts and suggestions. Colleagues, actually from both sides of the aisle, urged me to run again, and for their encouragement and friendship I cannot begin to

say how much Lois and I appreciate them. My special appreciation also goes to TOM DASCHLE, HARRY REID and MARY LANDRIEU.

The citizens of Louisiana have greatly honored my family and me by allowing me to serve these 30-plus years as their Congressman and U.S. Senator. I can honestly say I enjoyed every moment and appreciated the opportunity that I have had to serve.

But there comes a time in every career when it is time to step aside, and let others step up and serve. And for my family and me that time has arrived. I will not seek re-election to the U.S. Senate.

Throughout my years in Congress I have been guided by a simple philosophy to make government work for everyone. I did not go to Washington to get nothing done other than argue about whose fault it was when we failed to make government work.

My sincere hope is that future Congresses will be able to pursue the center-out coalitions that I have advocated. It is my hope that cooperation and legitimate compromise between our political parties will not be seen as political failure, but rather as a means of building a stronger democracy that better serves our Nation.

To my wife Lois, we started this journey together many years ago and you have been there every step of the way—through the good times, and there were many, and through the not so good times, and there were a few. I could not have asked for a more helpful and supportive partner and friend. No one has been more lucky and fortunate than me in finding you.

To my staff here in Louisiana and in Washington, let me say I could not have accomplished anything without you. Our office has the greatest of reputations and all of you are truly part of our family—and will always be.

To my father Ezra and to Lois' mom, Doris, I say thank you for putting up with all the things we dragged you through, whether you wanted to be there or not. And to our children, John, Bill, Beth and Jeff, and Julia, I say thank you for being there—you have made us very proud every step of the way.

I am not leaving today. There is still a lot to get done this Congress. We have to get the energy bill passed, and I want to get started on legislation for the 40 million Americans who have no health insurance. I look forward to co-chairing with Governor-elect Kathleen Blanco the very important summit meeting on healthcare in Louisiana.

So this is not goodbye. After working more than half my life on issues important to Louisiana, I intend to continue that involvement in the future, but in a different capacity. But for now, thank you for the privilege and honor of serving Louisiana and our country.•

#### HONORING MARCIA COGGS

• Mr. FEINGOLD. Mr. President, today I want to remember Marcia Cogg, a

trailblazer in Wisconsin politics and a dear friend, who passed away in December.

Words cannot fully express the impact Marcia Cogg had on the lives of the people of Wisconsin. She was the first African-American woman elected to the State's legislature and was widely known as "the Conscience of the State of Wisconsin." Marcia also became the first African-American to sit on the State legislature's joint finance committee. Better housing, the best in public education, integration and human rights were just some of the causes Marcia championed during her 16 years in the Wisconsin Legislature.

First elected to the State assembly from Milwaukee in 1976, she forced the State to listen and pay attention to the troubling issues people in her district often faced. Civil rights, both in Wisconsin and throughout the world, were always at the forefront of her mind. Those who knew her were not surprised when she protested against apartheid in South Africa, even joining a demonstration outside that nation's Washington, DC, embassy in 1985.

I had the honor and privilege of working with Marcia on several issues, including a successful effort to make Martin Luther King Jr. Day a legal holiday in Wisconsin. We also joined together in fighting to establish a private cause of action for civil rights violations.

I am honored to have been associated with her and proud to have called her both a mentor and a friend. Marcia made an outstanding contribution to the lives of countless Wisconsinites and left a legacy that the people of my State will honor for many years to come.•

#### RETIREMENT OF PETTY OFFICER FIRST CLASS FREDERICA MONIQUE WILLIAMS

• Mr. SESSIONS. Mr. President, I rise today to recognize a great American a true patriot: Hospital Corpsman, First Class Petty Officer Frederica Monique Williams, a resident of Selma, AL. Petty Officer Williams began her career as a deck Seaman Recruit at Naval Hospital Great Lakes as an administrative clerk. There she was selected for Hospital Corpsman "A" School at Great Lakes in October 1984, and upon graduation, she was assigned to Naval Hospital Camp Lejeune as a general duty corpsman where she refined her exceptional patient care and organizations skills, and developed into a strong leader and manager.

Petty Officer Williams served overseas on numerous occasions to include a tour at Naval Hospital Rota, Spain. While in Rota, she worked on a busy Labor and Delivery Unit. Once again her proven clinical experience, caring demeanor, organizational ability and "can-do" leadership style allowed her to excel. While assigned to National Naval Medical Center Bethesda, Maryland, Petty Officer Williams deployed

on the Hospital Ship USNS *Comfort*, T-AH-20, during Desert Shield/Desert Storm as member of the Surgical Directorate. There she cared for hundreds of reservists that sustained orthopaedic injuries. For her final assignment, she was assigned as the Administrative Department Head at the TRICARE Mid-Atlantic, Lead Agent Office Norfolk, VA.

In every assignment, First Class Petty Officer Williams met the challenge, and was rewarded with greater responsibilities and opportunities. Her talent for teaching and mentoring junior personnel about the delivery of quality patient care, customer service, and administrative attention to detail was instrumental in providing Navy Medicine, the fine cadre of hospital corpsman serving today. She is a hospital corpsman and leader who always put the welfare of her staff and patients first. Petty Officer William's performance reflects greatly on herself, the United States Navy, and our country. I extend my deepest appreciation to Hospital Corpsman First Class Petty Officer Frederica Monique Williams for her 20 years of dedicated military service and wish her and her family all the best in the years to follow. I am glad to hear that she expects to be returning to Selma. Our State will greatly benefit from her return.●

#### CONGRATULATIONS TO MR. LEON OWENS

● Mr. BUNNING. Mr. President, I pay tribute and congratulate Mr. Leon Owens of Paducah, KY, on his dedication and leadership as president of Local 5-550 of Paper, Allied-Industrial, Chemical and Energy, PACE, Workers International at the Paducah Gaseous Diffusion Plant during the past 2 years.

Mr. Owens works at the Paducah Gaseous Diffusion Plant in Paducah, KY, where he has demonstrated his caring and leadership for years. He was chosen by the more than 500 union members who work at that plant to be their voice. During his tenure as president, Mr. Owens fought for his fellow workers and led them through an important, but difficult, 5-month strike in 2003. His leadership on this issue helped to protect the jobs and interests of the people of Paducah.

Aside from this highly publicized event, Mr. Owens worked tirelessly on plant cleanup, worker health and economic development issues. He shared his expertise and time with me and my colleagues in Congress, testifying most recently at the Energy Committee field hearing in Paducah in December and at a hearing here in November.

Mr. Owens also serves on the Advisory Board on Radiation and Worker Health which advises the Secretary of Health and Human Services on the implementation of NIOSH's responsibilities under the Energy Employees Occupational Illness Compensation Program Act. This important and complicated issue is just another example

of Mr. Owens's dedication to the workers in Paducah.

The working people of Kentucky are fortunate to have had the leadership of Mr. Owens. His example of dedication, hard work and compassion should be an inspiration to all throughout the Commonwealth.

Thank you, Leon, for your leadership during a difficult period of history for the Paducah Plant. You have shown fortitude and compassion and I have sincere appreciation for your work. I wish you and your family the best.●

#### THE STATE BANK OF LINCOLN CELEBRATES 100 YEARS OF SERVICE

● Mr. DURBIN. Mr. President, as the Senate convenes for its first session of the new year, I would like to call attention to a milestone reached 4 days ago by a financial institution with a long history in Lincoln, IL: the State Bank of Lincoln.

On Friday, January 16, 2004, the State Bank of Lincoln celebrated the completion of 100 years of financial service to the community of Lincoln and the people of Logan County. The bank first opened its doors for business on January 16, 1904, and it has operated as an independent bank ever since.

When the bank began to serve the people of Lincoln, it had \$50,000 in starting capital. By the end of its first year, the bank's assets had nearly doubled to \$93,000. That growth has continued through the years. Today, the bank has total assets in excess of \$170 million, serves the community in four locations, and has received an A+ rating from the Weiss Rating Service.

The State Bank of Lincoln has more than \$140 million in local deposits, and has provided more than \$100 million in loans to businesses, farmers, and other individuals, to help them achieve their goals and dreams. The bank also has invested in the bonds of local school districts, colleges, and public entities.

As the State Bank of Lincoln passes this important milestone in its history, I would like to extend my congratulations to all who have helped this financial institution serve the community for so many years, along with my best wishes for another 100 years of committed service to the people of Lincoln and Logan County.●

#### HONORING SPRING LAKE HEIGHTS, NJ MAYOR FRANK ADAMS

● Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to Frank Adams who has served the Borough of Spring Lake Heights, NJ, for the past 32 years. Mayor Adams served as councilman with distinction for 12 years and has spent the last 20 years as the borough's mayor.

Besides admirably serving Spring Lake Heights for more than 30 years, Frank served as a member of the United States Naval Reserves and was called to active duty during the Korean War.

Mayor Adams is about to retire and he leaves behind an enviable legacy of public service to the community he loves, including accomplishments such as the construction of Ocean Road Park, the construction of the current Borough Hall, and the installation of the borough sewer system.

I ask my colleagues to join me in paying tribute to Mayor Frank Adams, a man who has led by example, worked tirelessly for the benefit of all the residents of Spring Lake Heights, and will leave office having made an indelible mark on the borough.●

#### NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2003 fourth quarter mass mailings is Monday, January 26, 2004. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116.

The Public Records office will be open from 9 a.m. to 5:30 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224-0322.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### REPORT ON THE STATE OF THE UNION DELIVERED TO A JOINT SESSION OF CONGRESS ON JANUARY 20, 2004—PM 59

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was ordered to lie on the table:

*To the Congress of the United States:*

Mr. Speaker, Vice President Cheney, Members of Congress, distinguished guests, and fellow citizens:

America this evening is a Nation called to great responsibilities. And we are rising to meet them.

As we gather tonight, hundreds of thousands of American service men and women are deployed across the world in the war on terror. By bringing hope to the oppressed, and delivering justice

to the violent, they are making America more secure.

Each day, law enforcement personnel and intelligence officers are tracking terrorist threats; analysts are examining airline passenger lists; the men and women of our new Homeland Security Department are patrolling our coasts and borders. And their vigilance is protecting America.

Americans are proving once again to be the hardest working people in the world. The American economy is growing stronger. The tax relief you passed is working.

Tonight, Members of Congress can take pride in great works of compassion and reform that skeptics had thought impossible. You are raising the standards of our public schools; and you are giving our senior citizens prescription drug coverage under Medicare.

We have faced serious challenges together—and now we face a choice. We can go forward with confidence and resolve—or we can turn back to the dangerous illusion that terrorists are not plotting and outlaw regimes are no threat to us. We can press on with economic growth, and reforms in education and Medicare—or we can turn back to the old policies and old divisions.

We have not come all this way—through tragedy, and trial, and war—only to falter and leave our work unfinished. Americans are rising to the tasks of history, and they expect the same of us. In their efforts, their enterprise, and their character, the American people are showing that the state of our Union is confident and strong.

Our greatest responsibility is the active defense of the American people. Twenty-eight months have passed since September 11, 2001—over 2 years without an attack on American soil—and it is tempting to believe that the danger is behind us. That hope is understandable, comforting—and false. The killing has continued in Bali, Jakarta, Casablanca, Riyadh, Mombassa, Jerusalem, Istanbul, and Baghdad. The terrorists continue to plot against America and the civilized world. And by our will and courage, this danger will be defeated.

Inside the United States, where the war began, we must continue to give homeland security and law enforcement personnel every tool they need to defend us. And one of those essential tools is the PATRIOT Act, which allows Federal law enforcement to better share information, to track terrorists, to disrupt their cells, and to seize their assets. For years, we have used similar provisions to catch embezzlers and drug traffickers. If these methods are good for hunting criminals, they are even more important for hunting terrorists. Key provisions of the PATRIOT Act are set to expire next year. The terrorist threat will not expire on that schedule. Our law enforcement needs this vital legislation to protect our citizens—you need to renew the PATRIOT Act.

America is on the offensive against the terrorists who started this war. Last March, Khalid Shaikh Mohamed, a mastermind of September 11th, awoke to find himself in the custody of U.S. and Pakistani authorities. Last August 11th brought the capture of the terrorist Hambali, who was a key player in the attack in Indonesia that killed over 200 people. We are tracking al-Qaida around the world—and nearly two-thirds of their known leaders have now been captured or killed. Thousands of very skilled and determined military personnel are on a manhunt, going after the remaining killers who hide in cities and caves—and, one by one, we will bring the terrorists to justice.

As part of the offensive against terror, we are also confronting the regimes that harbor and support terrorists, and could supply them with nuclear, chemical, or biological weapons. The United States and our allies are determined: We refuse to live in the shadow of this ultimate danger.

The first to see our determination were the Taliban, who made Afghanistan the primary training base of al-Qaida killers. As of this month, that country has a new constitution, guaranteeing free elections and full participation by women. Businesses are opening, healthcare centers are being established, and the boys and girls of Afghanistan are back in school. With help from the new Afghan Army, our coalition is leading aggressive raids against surviving members of the Taliban and al-Qaida. The men and women of Afghanistan are building a nation that is free, and proud, and fighting terror—and America is honored to be their friend.

Since we last met in this chamber, combat forces of the United States, Great Britain, Australia, Poland, and other countries enforced the demands of the United Nations, ended the rule of Saddam Hussein—and the people of Iraq are free. Having broken the Baathist regime, we face a remnant of violent Saddam supporters. Men who ran away from our troops in battle are now dispersed and attack from the shadows.

These killers, joined by foreign terrorists, are a serious, continuing danger. Yet we are making progress against them. The once all-powerful ruler of Iraq was found in a hole, and now sits in a prison cell. Of the top 55 officials of the former regime, we have captured or killed 45. Our forces are on the offensive, leading over 1,600 patrols a day, and conducting an average of 180 raids every week. We are dealing with these thugs in Iraq, just as surely as we dealt with Saddam Hussein's evil regime.

The work of building a new Iraq is hard, and it is right. And America has always been willing to do what it takes for what is right. Last January, Iraq's only law was the whim of one brutal man. Today our coalition is working with the Iraqi Governing Council to draft a basic law, with a bill of rights.

We are working with Iraqis and the United Nations to prepare for a transition to full Iraqi sovereignty by the end of June. As democracy takes hold in Iraq, the enemies of freedom will do all in their power to spread violence and fear. They are trying to shake the will of our country and our friends—but the United States of America will never be intimidated by thugs and assassins. The killers will fail, and the Iraqi people will live in freedom.

Month by month, Iraqis are assuming more responsibility for their own security and their own future. And tonight we are honored to welcome one of Iraq's most respected leaders: the current President of the Iraqi Governing Council, Adnan Pachachi. Sir, America stands with you and the Iraqi people as you build a free and peaceful nation.

Because of American leadership and resolve, the world is changing for the better. Last month, the leader of Libya voluntarily pledged to disclose and dismantle all of his regime's weapons of mass destruction programs, including a uranium enrichment project for nuclear weapons. Colonel Qadhafi correctly judged that his country would be better off, and far more secure, without weapons of mass murder. Nine months of intense negotiations involving the United States and Great Britain succeeded with Libya, while 12 years of diplomacy with Iraq did not. And one reason is clear: for diplomacy to be effective, words must be credible—and no one can now doubt the word of America.

Different threats require different strategies. Along with nations in the region, we are insisting that North Korea eliminate its nuclear program. America and the international community are demanding that Iran meet its commitments and not develop nuclear weapons. America is committed to keeping the world's most dangerous weapons out of the hands of the world's most dangerous regimes.

When I came to this rostrum on September 20, 2001, I brought the police shield of a fallen officer, my reminder of lives that ended, and a task that does not end. I gave to you and to all Americans my complete commitment to securing our country and defeating our enemies. And this pledge, given by one, has been kept by many. You in the Congress have provided the resources for our defense, and cast the difficult votes of war and peace. Our closest allies have been unwavering. America's intelligence personnel and diplomats have been skilled and tireless.

And the men and women of the American military—they have taken the hardest duty. We have seen their skill and courage in armored charges, and midnight raids, and lonely hours on faithful watch. We have seen the joy when they return, and felt the sorrow when one is lost. I have had the honor of meeting our service men and women at many posts, from the deck of a carrier in the Pacific, to a mess hall in Baghdad. Many of our troops are listening tonight. And I want you and

your families to know: America is proud of you. And my Administration, and this Congress, will give you the resources you need to fight and win the war on terror.

I know that some people question if America is really in a war at all. They view terrorism more as a crime—a problem to be solved mainly with law enforcement and indictments. After the World Trade Center was first attacked in 1993, some of the guilty were indicted, tried, convicted, and sent to prison. But the matter was not settled. The terrorists were still training and plotting in other nations, and drawing up more ambitious plans. After the chaos and carnage of September 11th, it is not enough to serve our enemies with legal papers. The terrorists and their supporters declared war on the United States—and war is what they got.

Some in this chamber, and in our country, did not support the liberation of Iraq. Objections to war often come from principled motives. But let us be candid about the consequences of leaving Saddam Hussein in power. We are seeking all the facts—already the Kay Report identified dozens of weapons of mass destruction-related program activities and significant amounts of equipment that Iraq concealed from the United Nations. Had we failed to act, the dictator's weapons of mass destruction programs would continue to this day. Had we failed to act, Security Council resolutions on Iraq would have been revealed as empty threats, weakening the United Nations and encouraging defiance by dictators around the world. Iraq's torture chambers would still be filled with victims—terrified and innocent. The killing fields of Iraq—where hundreds of thousands of men, women, and children vanished into the sands—would still be known only to the killers. For all who love freedom and peace, the world without Saddam Hussein's regime is a better and safer place.

Some critics have said our duties in Iraq must be internationalized. This particular criticism is hard to explain to our partners in Britain, Australia, Japan, South Korea, the Philippines, Thailand, Italy, Spain, Poland, Denmark, Hungary, Bulgaria, Ukraine, Romania, the Netherlands, Norway, El Salvador, and the 17 other countries that have committed troops to Iraq. As we debate at home, we must never ignore the vital contributions of our international partners, or dismiss their sacrifices. From the beginning, America has sought international support for operations in Afghanistan and Iraq, and we have gained much support. There is a difference, however, between leading a coalition of many nations, and submitting to the objections of a few. America will never seek a permission slip to defend the security of our people.

We also hear doubts that democracy is a realistic goal for the greater Middle East, where freedom is rare. Yet it

is mistaken, and condescending, to assume that whole cultures and great religions are incompatible with liberty and self-government. I believe that God has planted in every heart the desire to live in freedom. And even when that desire is crushed by tyranny for decades, it will rise again.

As long as the Middle East remains a place of tyranny, despair, and anger, it will continue to produce men and movements that threaten the safety of America and our friends. So America is pursuing a forward strategy of freedom in the greater Middle East. We will challenge the enemies of reform, confront the allies of terror, and expect a higher standard from our friends. To cut through the barriers of hateful propaganda, the Voice of America and other broadcast services are expanding their programming in Arabic and Persian—and soon, a new television service will begin providing reliable news and information across the region. I will send you a proposal to double the budget of the National Endowment for Democracy, and to focus its new work on the development of free elections, free markets, free press, and free labor unions in the Middle East. And above all, we will finish the historic work of democracy in Afghanistan and Iraq, so those nations can light the way for others, and help transform a troubled part of the world.

America is a Nation with a mission—and that mission comes from our most basic beliefs. We have no desire to dominate, no ambitions of empire. Our aim is a democratic peace—a peace founded upon the dignity and rights of every man and woman. America acts in this cause with friends and allies at our side, yet we understand our special calling: This great Republic will lead the cause of freedom.

In these last 3 years, adversity has also revealed the fundamental strengths of the American economy. We have come through recession, and terrorist attack, and corporate scandals, and the uncertainties of war. And because you acted to stimulate our economy with tax relief, this economy is strong, and growing stronger.

You have doubled the child tax credit from \$500 to \$1,000, reduced the marriage penalty, begun to phase out the death tax, reduced taxes on capital gains and stock dividends, cut taxes on small businesses, and you have lowered taxes for every American who pays income taxes.

Americans took those dollars and put them to work, driving this economy forward. The pace of economic growth in the third quarter of 2003 was the fastest in nearly 20 years. New home construction: the highest in almost 20 years. Home ownership rates: the highest ever. Manufacturing activity is increasing. Inflation is low. Interest rates are low. Exports are growing. Productivity is high. And jobs are on the rise.

These numbers confirm that the American people are using their money

far better than Government would have—and you were right to return it.

America's growing economy is also a changing economy. As technology transforms the way almost every job is done, America becomes more productive, and workers need new skills. Much of our job growth will be found in high-skilled fields like health care and biotechnology. So we must respond by helping more Americans gain the skills to find good jobs in our new economy.

All skills begin with the basics of reading and math, which are supposed to be learned in the early grades of our schools. Yet for too long, for too many children, those skills were never mastered. By passing the No Child Left Behind Act, you have made the expectation of literacy the law of our country. We are providing more funding for our schools—a 36 percent increase since 2001. We are requiring higher standards. We are regularly testing every child on the fundamentals. We are reporting results to parents, and making sure they have better options when schools are not performing. We are making progress toward excellence for every child.

But the status quo always has defenders. Some want to undermine the No Child Left Behind Act by weakening standards and accountability. Yet the results we require are really a matter of common sense: We expect third graders to read and do math at third grade level—and that is not asking too much. Testing is the only way to identify and help students who are falling behind.

This Nation will not go back to the days of simply shuffling children along from grade to grade without them learning the basics. I refuse to give up on any child—and the No Child Left Behind Act is opening the door of opportunity to all of America's children.

At the same time, we must ensure that older students and adults can gain the skills they need to find work now. Many of the fastest-growing occupations require strong math and science preparation, and training beyond the high school level. So tonight I propose a series of measures called Jobs for the 21st Century. This program will provide extra help to middle- and high school students who fall behind in reading and math, expand Advanced Placement programs in low-income schools, and invite math and science professionals from the private sector to teach part-time in our high schools. I propose larger Pell Grants for students who prepare for college with demanding courses in high school. I propose increasing our support for America's fine community colleges, so they can train workers for the industries that are creating the most new jobs. By all these actions, we will help more and more Americans to join in the growing prosperity of our country.

Job training is important, and so is job creation. We must continue to pursue an aggressive, pro-growth economic agenda.

Congress has some unfinished business on the issue of taxes. The tax reductions you passed are set to expire. Unless you act, the unfair tax on marriage will go back up. Unless you act, millions of families will be charged \$300 more in Federal taxes for every child. Unless you act, small businesses will pay higher taxes. Unless you act, the death tax will eventually come back to life. Unless you act, Americans face a tax increase. What the Congress has given, the Congress should not take away: For the sake of job growth, the tax cuts you passed should be permanent.

Our agenda for jobs and growth must help small business owners and employees with relief from needless Federal regulation, and protect them from junk and frivolous lawsuits. Consumers and businesses need reliable supplies of energy to make our economy run—so I urge you to pass legislation to modernize our electricity system, promote conservation, and make America less dependent on foreign sources of energy. My Administration is promoting free and fair trade, to open up new markets for America's entrepreneurs, and manufacturers, and farmers, and to create jobs for America's workers. Younger workers should have the opportunity to build a nest egg by saving part of their Social Security taxes in a personal retirement account. We should make the Social Security system a source of ownership for the American people.

And we should limit the burden of Government on this economy by acting as good stewards of taxpayer dollars. In 2 weeks, I will send you a budget that funds the war, protects the homeland, and meets important domestic needs, while limiting the growth in discretionary spending to less than 4 percent. This will require that Congress focus on priorities, cut wasteful spending, and be wise with the people's money. By doing so, we can cut the deficit in half over the next 5 years.

Tonight I also ask you to reform our immigration laws, so they reflect our values and benefit our economy. I propose a new temporary worker program to match willing foreign workers with willing employers, when no Americans can be found to fill the job. This reform will be good for our economy—because employers will find needed workers in an honest and orderly system. A temporary worker program will help protect our homeland—allowing border patrol and law enforcement to focus on true threats to our national security. I oppose amnesty, because it would encourage further illegal immigration, and unfairly reward those who break our laws. My temporary worker program will preserve the citizenship path for those who respect the law, while bringing millions of hardworking men and women out from the shadows of American life.

Our Nation's healthcare system, like our economy, is also in a time of change. Amazing medical technologies

are improving and saving lives. This dramatic progress has brought its own challenge, in the rising costs of medical care and health insurance. Members of Congress, we must work together to help control those costs and extend the benefits of modern medicine throughout our country.

Meeting these goals requires bipartisan effort—and 2 months ago, you showed the way. By strengthening Medicare and adding a prescription drug benefit, you kept a basic commitment to our seniors: You are giving them the modern medicine they deserve.

Starting this year, under the law you passed, seniors can choose to receive a drug discount card, saving them 10 to 25 percent off the retail price of most prescription drugs—and millions of low-income seniors can get an additional \$600 to buy medicine. Beginning next year, seniors will have new coverage for preventive screenings against diabetes and heart disease, and seniors just entering Medicare can receive wellness exams.

In January of 2006, seniors can get prescription drug coverage under Medicare. For a monthly premium of about \$35, most seniors who do not have that coverage today can expect to see their drug bills cut roughly in half. Under this reform, senior citizens will be able to keep their Medicare just as it is, or they can choose a Medicare plan that fits them best—just as you, as Members of Congress, can choose an insurance plan that meets your needs. And starting this year, millions of Americans will be able to save money tax-free for their medical expenses, in a health savings account.

I signed this measure proudly, and any attempt to limit the choices of our seniors, or to take away their prescription drug coverage under Medicare, will meet my veto.

On the critical issue of health care, our goal is to ensure that Americans can choose and afford private healthcare coverage that best fits their individual needs. To make insurance more affordable, Congress must act to address rapidly rising healthcare costs. Small businesses should be able to band together and negotiate for lower insurance rates, so they can cover more workers with health insurance—I urge you to pass Association Health Plans. I ask you to give lower-income Americans a refundable tax credit that would allow millions to buy their own basic health insurance. By computerizing health records, we can avoid dangerous medical mistakes, reduce costs, and improve care. To protect the doctor-patient relationship, and keep good doctors doing good work, we must eliminate wasteful and frivolous medical lawsuits. And tonight I propose that individuals who buy catastrophic healthcare coverage, as part of our new health savings accounts, be allowed to deduct 100 percent of the premiums from their taxes.

A Government-run healthcare system is the wrong prescription. By keeping

costs under control, expanding access, and helping more Americans afford coverage, we will preserve the system of private medicine that makes America's health care the best in the world.

We are living in a time of great change—in our world, in our economy, and in science and medicine. Yet some things endure—courage and compassion, reverence and integrity, respect for differences of faith and race. The values we try to live by never change. And they are instilled in us by fundamental institutions, such as families, and schools, and religious congregations. These institutions—the unseen pillars of civilization—must remain strong in America, and we will defend them.

We must stand with our families to help them raise healthy, responsible children. And when it comes to helping children make right choices, there is work for all of us to do.

One of the worst decisions our children can make is to gamble their lives and futures on drugs. Our Government is helping parents confront this problem, with aggressive education, treatment, and law enforcement. Drug use in high school has declined by 11 percent over the past 2 years. Four hundred thousand fewer young people are using illegal drugs than in the year 2001. In my budget, I have proposed new funding to continue our aggressive, community-based strategy to reduce demand for illegal drugs. Drug testing in our schools has proven to be an effective part of this effort. So tonight I propose an additional \$23 million for schools that want to use drug testing as a tool to save children's lives. The aim here is not to punish children, but to send them this message: We love you, and we don't want to lose you.

To help children make right choices, they need good examples. Athletics play such an important role in our society, but, unfortunately, some in professional sports are not setting much of an example. The use of performance-enhancing drugs like steroids in baseball, football, and other sports is dangerous, and it sends the wrong message—that there are shortcuts to accomplishment, and that performance is more important than character. So tonight I call on team owners, union representatives, coaches, and players to take the lead, to send the right signal, to get tough, and to get rid of steroids now.

To encourage right choices, we must be willing to confront the dangers young people face—even when they are difficult to talk about. Each year, about three million teenagers contract sexually transmitted diseases that can harm them, or kill them, or prevent them from ever becoming parents. In my budget, I propose a grassroots campaign to help inform families about these medical risks. We will double Federal funding for abstinence programs, so schools can teach this fact of life: Abstinence for young people is the only certain way to avoid sexually



transmitted diseases. Decisions children make now can affect their health and character for the rest of their lives. All of us—parents, schools, government—must work together to counter the negative influence of the culture, and to send the right messages to our children.

A strong America must also value the institution of marriage. I believe we should respect individuals as we take a principled stand for one of the most fundamental, enduring institutions of our civilization. Congress has already taken a stand on this issue by passing the Defense of Marriage Act, signed in 1996 by President Clinton. That statute protects marriage under Federal law as the union of a man and a woman, and declares that one State may not redefine marriage for other States. Activist judges, however, have begun redefining marriage by court order, without regard for the will of the people and their elected representatives. On an issue of such great consequence, the people's voice must be heard. If judges insist on forcing their arbitrary will upon the people, the only alternative left to the people would be the constitutional process. Our Nation must defend the sanctity of marriage.

The outcome of this debate is important—and so is the way we conduct it. The same moral tradition that defines marriage also teaches that each individual has dignity and value in God's sight.

It is also important to strengthen our communities by unleashing the compassion of America's religious institutions. Religious charities of every creed are doing some of the most vital work in our country—mentoring children, feeding the hungry, taking the hand of the lonely. Yet government has often denied social service grants and contracts to these groups, just because they have a cross or Star of David or crescent on the wall. By Executive Order, I have opened billions of dollars in grant money to competition that includes faith-based charities. Tonight I ask you to codify this into law, so people of faith can know that the law will never discriminate against them again.

In the past, we have worked together to bring mentors to the children of prisoners, and provide treatment for the addicted, and help for the homeless. Tonight I ask you to consider another group of Americans in need of help. This year, some 600,000 inmates will be released from prison back into society. We know from long experience that if they can't find work, or a home, or help, they are much more likely to commit more crimes and return to prison. So tonight, I propose a 4-year, \$300 million Prisoner Re-Entry Initiative to expand job training and placement services, to provide transitional housing, and to help newly released prisoners get mentoring, including from faith-based groups. America is the land of the second chance—and when the gates of the prison open, the path ahead should lead to a better life.

For all Americans, the last 3 years have brought tests we did not ask for, and achievements shared by all. By our actions, we have shown what kind of Nation we are. In grief, we found the grace to go on. In challenge, we rediscovered the courage and daring of a free people. In victory, we have shown the noble aims and good heart of America. And having come this far, we sense that we live in a time set apart.

I have been a witness to the character of the American people, who have shown calm in times of danger, compassion for one another, and toughness for the long haul. All of us have been partners in a great enterprise. And even some of the youngest understand that we are living in historic times. Last month a girl in Lincoln, Rhode Island, sent me a letter. It began, "Dear George W. Bush." "If there is anything you know, I Ashley Pearson age 10 can do to help anyone, please send me a letter and tell me what I can do to save our country." She added this P.S.: "If you can send a letter to the troops . . . please put, 'Ashley Pearson believes in you.'"

Tonight, Ashley, your message to our troops has just been conveyed. And yes, you have some duties yourself. Study hard in school, listen to your mom and dad, help someone in need, and when you and your friends see a man or woman in uniform, say "thank you." And while you do your part, all of us here in this great chamber will do our best to keep you and the rest of America safe and free.

My fellow citizens, we now move forward, with confidence and faith. Our Nation is strong and steadfast. The cause we serve is right, because it is the cause of all mankind. The momentum of freedom in our world is unmistakable—and it is not carried forward by our power alone. We can trust in that greater power Who guides the unfolding of the years. And in all that is to come, we can know that His purposes are just and true.

May God bless the United States of America. Thank you.

GEORGE W. BUSH.  
THE WHITE HOUSE, *January 20, 2004.*

#### MESSAGE FROM THE HOUSE

At 2:16 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests that concurrence of the Senate:

H. Con. Res. 349. Concurrent resolution providing for a joint session of Congress to receive a message from the President on the State of the Union.

The message also announced that the House of Representatives has agreed to (H. Res. 487) that the Clerk of the House inform the Senate that a quorum of the House is present and that the House is ready to proceed with business.

#### MESSAGES FROM THE HOUSE DURING ADJOURNMENT

##### ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Under the authority of the order of December 9, 2003, the Secretary of the Senate, on December 9, 2003, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

S. 811. An act to support certain housing proposals in the fiscal year 2003 budget for the Federal Government, including the downpayment assistance initiative under the HOME Investment Partnership Act, and for other purposes;

S. 877. An act to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet;

S. 1680. An act to reauthorize the Defense Production Act of 1950, and for other purposes;

S. 1683. An act to provide for a report on the parity of pay and benefits among Federal law enforcement officers and to establish an exchange program between Federal law enforcement employees and State and local law enforcement employees;

S. 1929. An act to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to extend the mental health benefits parity provisions for an additional year;

S. 1947. An act to prohibit the offer of credit by a financial institution to a financial institution examiner, and for other purposes;

H.R. 622. An act to provide for the exchange of certain lands in the Coconino and Tonto National Forests in Arizona, and for other purposes;

H.R. 1006. An act to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species; and

H.R. 1012. An act to establish the Carter G. Woodson Home National Historic Site in the District of Columbia, and for other purposes.

Under the authority of the order of December 9, 2003, the enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

Under the authority of the order of December 9, 2003, the Secretary of the Senate, on December 10, 2003, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolution:

S. 686. An act to provide assistance for poison prevention and stabilize the funding of regional poison control centers;

H.R. 100. An act to restate, clarify, and revise the Soldiers' and Sailors' Civil Relief Act of 1940;

H.R. 2620. An act to authorize appropriations for fiscal years 2004 and 2005 for Trafficking Victims Protection Act of 2000, and for other purposes; and

H.J. Res. 82. Joint resolution making further continuing appropriations for the fiscal year 2004, and for other purposes.

Under the authority of the order of December 9, 2003, the enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2006. A bill to extend and expand the Temporary Extended Unemployment Compensation Act of 2003, and for other purposes.

### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5353. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-100, 200, and 200C Series Airplanes Doc. No. 2002-NM-150" (RIN2120-AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5354. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Aerospace Technologies of Australia Pty Ltd. Models N22B and N24A Airplanes Doc. No. 2003-CE-21" (RIN2120-AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5355. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls-Royce Deutschland Ltd & Co KG Models Tay 650-15 and Tay 651-54 Turbofan Engines Doc. No. 98-ANE-68" (RIN2120-AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5356. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Cessna Model 560 Airplanes Doc. No. 2003-NM-225" (RIN2120-AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5357. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Restricted Area R231E Ajo East, AZ; and R-2304, and 2305 Gila Bend, AZ Doc. No. 03-AWP-4" (RIN2120-AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5358. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Various Boeing and McDonnell Transport Category Airplanes Doc. No. 2003-NM-91" (RIN2120-AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5359. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Rocky Mount, NC Doc. No. 03-ASO-15" (RIN2120-AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5360. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Smithfield, NC Doc. No. 03-ASO-14" (RIN2120-AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

(RIN2120-AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5361. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 757-200 Series Airplanes Doc. No. 2002-NM-95" (RIN2120-AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5362. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Titeflex Corporation Doc. No. 2002-NE-22" (RIN2120-AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5363. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747-400, 400D, and 400F Series Airplanes Doc. No. 2003-NM-173" (RIN2120-AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5364. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Kotlik, AZ Doc. No. 03-AAL-08" (RIN2120-AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5365. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Akiak, AK Doc. No. 03-AAL-13" (RIN2120-AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5366. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E4 Airspace and Modification of Class E5 Airspace; Goodland, KS Doc. No. 03-ACE-71" (RIN2120-AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5367. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Kivalina, AK Doc. No. 03-AAL-17" (RIN2120-AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5368. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E5 Airspace; Johnson, KS Doc. No. 03-ACE-77" (RIN2120-AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5369. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (36) Amendment No. 3082" (RIN2120-AA65) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5370. A communication from the Paralegal Specialist, Federal Aviation Adminis-

tration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Chevak, AK Doc. No. 03-AAL-112" (RIN2120-AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5371. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (1) Amendment No. 3083" (RIN2120-AA65) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5372. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Jacksonville, NC Doc. No. 03-ASO-12" (RIN2120-AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5373. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls-Royce plc Rb211 Series Turbofan Engines Doc. No. 2003-NE-33" (RIN2120-AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5374. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model C1-600-1A11 (CL-600), CL-600-2A12 (CL-601) and C1-600-2B16 (CL-601-3A, CL-6013R, and CL-604) Series Airplanes Doc. No. 2002-NM-157" (RIN2120-AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5375. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Charlottesville, VA Doc. No. 03-AEA-09" (RIN2120-AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5376. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Viroqua, WI Doc. No. 03-AGL-06" (RIN2120-AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5377. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace and Modification of Class E Airspace; St. Joseph, MO Doc. No. 03-ACE-70" (RIN2120-AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5378. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace and Modification of Class E Airspace; Topeka, Phillip Billard Municipal Airport, KS" (RIN2120-AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5379. A communication from the Paralegal Specialist, Federal Aviation Adminis-

transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Aerostar Aircraft Corporation Models PA-60-600, PA-60-601P, PA-60-602P, and PA-60-700P Airplanes Doc. No. 2003-CE-44" (RIN2120-AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5380. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Correction McDonnell Douglas Model DC-10-10F, 15, 30, 30F (KC-10A and KDC-10), 40, and 40F Airplanes and Model MD 10-10F, and 30F Airplanes Doc. No. 2002-NM-164" (RIN2120-AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5381. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Recission Cessna Model 750 Citation X Series Airplanes Doc. No. 99-NM-229" (RIN2120-AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5382. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD-11, and 11F Airplanes Doc. No. 2001-NM-52" (RIN2120-AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5383. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Maxton, NC Doc. No. 03-ASO-13" (RIN2120-AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5384. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135, and -145 Airplanes Doc. No. 2002-NM-88" (RIN2120-64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5385. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD-11 and 11F Airplanes Doc. No. 2001-NM-52" (RIN2120-AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5386. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model AS335E, F, F1, F2, and N Helicopters Doc. No. 2003-SW-10" (RIN2120-AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5387. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model AS332C, AS332L, AS332L1, and AS332L2 Helicopters Doc. No. 2002-SW-58" (RIN2120-AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5388. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: The Cessna Aircraft Company Model 525 Airplanes Doc. No. 2003-CE-46" (RIN2120-AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5389. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls-Royce plc RB211-524 Series Turbofan Engines Doc. No. 2003-NE-36" (RIN2120-AA64) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5390. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (4) Amendment No. 3080" (RIN2120-AA65) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5391. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Chariton, IA Doc. No. 03-ACE-67" (RIN2120-AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5392. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Ramona, CA Doc. No. 03-AWP-11" (RIN2120-A66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5393. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Corning, IA Doc. No. 03-AC-69" (RIN2120-AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5394. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Raleigh, NC Doc. No. 03-ASO-11" (RIN2120-AA66) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5395. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Digital Flight Data Recorder Requirements Changes to Recording Specifications and Additional Exceptions; CORRECTION; Doc. No. FAA-2003-15682" (RIN2120-AH89) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5396. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Flightdeck Security on Large Cargo Airplanes; Request for Comments; CORRECTION Doc. No. FAA-2003-15653" (RIN2120-AH96) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5397. A communication from the Program Analyst, Federal Aviation Administration,

Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Lower Deck Service Compartments on Transport Category Airplanes; CORRECTION Doc. No. FAA-2002-11346" (RIN2120-AH38) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5398. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 145 Review: Repair Stations; Final Rule; Delay of Effective Date; Doc. No. FAA-1999-5836" (RIN2120-AC38) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5399. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "DOD Commercial Air Carrier Evaluators; Request for Comments; Correction Doc. No. FAA-2003-15571" (RIN2120-AI00) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5400. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Digital Flight Data Recorder Requirements Changes to Recording Specifications and Additional Exceptions; Correction; CORRECTION TO CORRECTION Doc. No. FAA-2003-15682" (RIN2120-AH89) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5401. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Air Tour Operators in the State of Hawaii; Doc. No. FAA-2003-14830" (RIN2120-AH02) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5402. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Reduced Vertical Separation Minimum in Domestic United States Airspace; Doc. No. FAA-2002-12261" (RIN2120-AH68) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5403. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulation of Fractional Aircraft Ownership Programs and On Demand Operations; Doc. No. FAA-2001-10047" (RIN2120-AH06) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5404. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Digital Broadcast Content Protection" (MB Doc. No. 02-230) received on December 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5405. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Wickenburg, Bagdad, and Aguila, AZ)" (MM Doc. No. 00-166) received on December 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5406. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.2-2(b), Table of Allotments, FM

Broadcast Stations (Alamo Community, New Mexico)" (MM Doc. No. 01-158) received on December 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5407. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Fort Walton Beach, FL" (MM Doc. No. 00-233) received on December 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5408. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Apopka, Maitland, and Homosassa Springs, FL)" (MB Doc. No. 03-24) received on December 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5409. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Encino, TX)" (MB Doc. No. 02-341) received on December 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5410. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Marathon and Mertzon, TX)" (MB Doc. No. 02-243) received on December 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5411. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Tallapoosa, GA)" (MB Doc. No. 03-161) received on December 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5412. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Mount Pleasant and Bogata, TX)" (MM Doc. No. 00-54) received on December 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5413. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, DTV Broadcast Stations (Corpus Christi, TX)" (MM Doc. No. 99-277) received on December 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5414. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Conformance with Federal Acquisition Circulars 2001-15 and 2001-14" (RIN2700-AC92) received on December 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5415. A communication from the Director for Acquisition Management, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Govern-

mentwide Debarment and Suspension (Non-procurement) and Requirements for Drug-Free Workplace (grants)" (RIN0605-AA16) received on December 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5416. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: (Including 3 Regulations); [CGD08-03-180], [CGD08-03-046]" (RIN1625-AA09) received on December 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5417. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Allowing Alternatives to Incandescent Lights, and Establishing Standards for New Lights, in Private Aids to Navigation" (RIN1625-AA55) received on December 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5418. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Assistant Secretary for Budget and Programs/CFO, Department of Transportation, received on December 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5419. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Tire Pressure Monitoring Systems" (RIN2127-AJ22) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5420. A communication from the Assistant Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "NOAA Office of Ocean Exploration Announcement of Funding Opportunity, Fiscal Year 2004" received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5421. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Trip Limit Adjustments" (ID100303B) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5422. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Closure of the Fishery for Pacific Sardine North of Pt. Arena, California" (ID102003A) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5423. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Fraser River Sockeye and Pink Salmon Fisheries; Inseason Orders" (ID101603B) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5424. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Child Restraint Systems; Interim Final Rule on Seat Mounted Vests" (RIN2127-A188) received on

December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5425. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Improved Flammability Standards for Thermal/Acoustic Insulation Materials Used in Transport Category Airplanes; CORRECTION Doc. No. FAA-200-7909" (RIN2120-AG91) received on December 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5426. A communication from the Senior Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Allocations and Service Rules for the 71-76 GHz, 81-86 GHz, and 92-95 GHz Bands; Loea Communications Corporation Petition for Rule Making" (FCC03-248) received on December 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5427. A communication from the Legal Advisor and Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Promoting Efficient Use of Spectrum Through Elimination of Barriers to the Development of Secondary Markets" (FCC03-113) received on December 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5428. A communication from the Deputy Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile Satellite Service" (FCC03-280) received on December 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5429. A communication from the Deputy Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Part 5 of the Commission's Rules to Require Electronic Filing Applications for Experimental Radio Licenses and Authorizations" (FCC03-207) received on December 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5430. A communication from the Deputy Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Revisions to Broadcast Auxiliary Service Rules in Part 74 and Conforming Technical Rules for Broadcast Auxiliary Service, Cable Television Relay Service and Fixed Services in Parts 74, 78, and 101 of the Commission's Rules" (FCC03-246) received on December 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5431. A communication from the Deputy Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Parts 2, 25, and 87 of the Commission's Rules to Implement Decisions from World Radiocommunication Conferences Concerning Frequency Bands Between 28 MHz and 36 GHz and to Otherwise Update the Rules in this Frequency Range" (FCC03-269) received on December 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5432. A communication from the Deputy Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Rural Health Care

Support Mechanism in WC Docket No. 02-60" (FCC03-288) received on December 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5433. A communication from the Senior Procurement Executive, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants); Department of Transportation Implementation" (RIN2105-AD07) received on December 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5434. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tuberculosis in Cattle and Bison; State Designations; California" (Doc. No. 03-005-2) received on December 3, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5435. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tuberculosis in Cattle and Bison; State Designations; New Mexico" (Doc. 03-044-2) received on December 3, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5436. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-5437. A communication from the Principal Deputy, Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the Annual Report of the Armed Forces Retirement Home for Fiscal Year 2002; to the Committee on Armed Services.

EC-5438. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Board's Semiannual Report to Congress for the six-month period ending September 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-5439. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, a report relative to plutonium storage at the Department of Energy's Savannah River Site; to the Committee on Armed Services.

EC-5440. A communication from the Assistant Director, Executive and Political Personnel, transmitting, pursuant to law, the report of a change in previously submitted reported information for the position of Assistant Secretary of the Army for Civil Works, Department of the Army, received on December 3, 2003; to the Committee on Armed Services.

EC-5441. A communication from the Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Changes Included in the National Defense Authorization Act for Fiscal Year 2003" (RIN0720-AA85) received on December 3, 2003; to the Committee on Armed Services.

EC-5442. A communication from the Assistant Director, Executive and Political Personnel, transmitting, pursuant to law, the report of a nomination for the position of Secretary of the Navy, received on December 3, 2003; to the Committee on Armed Services.

EC-5443. A communication from the Assistant Director, Executive and Political Personnel, transmitting, pursuant to law, the report of Under Secretary of Defense for Acquisition, Technology, and Logistics, received on December 3, 2003; to the Committee on Armed Services.

EC-5444. A communication from the Chairman and President of the Export-Import Bank of the United States, a report relative to a transaction involving U.S. exports to Azerbaijan, Georgia, and Turkey; to the Committee on Banking, Housing, and Urban Affairs.

EC-5445. A communication from the Chairman and President of the Export-Import Bank of the United States, a report relative to a transaction involving U.S. exports to Algeria; to the Committee on Banking, Housing, and Urban Affairs.

EC-5446. A communication from the Assistant Secretary, Divisions of Corporate Finance and Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Disclosure Regarding Nominating Committee Functions and Communications Between Security Holders and Boards of Directors" (RIN3235-A190) received on December 1, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-5447. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to law, the semi annual report of the Board for the period from April 1, 2003 to September 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-5448. A communication from the Secretary of the Treasury, transmitting, pursuant to the National Emergencies Act, a six-month periodic report on the national emergency with respect to the Development Fund for Iraq; to the Committee on Banking, Housing, and Urban Affairs.

EC-5449. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "List of Communities Eligible for the Sale of Flood Insurance" (48 CFR 64) received on December 1, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-5450. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (44 CFR 67) received on December 1, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-5451. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (44 CFR 67) received on December 1, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-5452. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (44 CFR 65) received on December 1, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-5453. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (44 CFR 65) received on December 1, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-5454. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (44 CFR 64) received on December 1, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-5455. A communication from the Acting General Counsel, Federal Emergency Man-

agement Agency, transmitting, pursuant to law, the report of a rule entitled "Rescission of Final Flood Elevation Determination" (Doc. No. FEMA-7772) received on December 1, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-5456. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (44 CFR Part 67) received on December 1, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-5457. A communication from the Secretary of the Treasury, transmitting, pursuant to the National Emergencies Act, a report relative to the national emergency declared with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-5458. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "West Virginia Regulatory Program" (WV-091-FOR) received on December 1, 2003; to the Committee on Energy and Natural Resources.

EC-5459. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "North Dakota Regulatory Program" (ND-044-FOR) received on December 1, 2003; to the Committee on Energy and Natural Resources.

EC-5460. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "West Virginia Regulatory Program" (WV-095-FOR) received on December 1, 2003; to the Committee on Energy and Natural Resources.

EC-5461. A communication from the Acting General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Update of the Federal Energy Regulatory Commission's Fee Schedule for Annual Charges for the Use of Government Lands" received on December 3, 2003; to the Committee on Energy and Natural Resources.

EC-5462. A communication from the Assistant Secretary, Policy, Management and Budget, Department of the Interior, transmitting, pursuant to law, the Department's annual report to Congress on streamlining and standardization; to the Committee on Energy and Natural Resources.

EC-5463. A communication from the Assistant Secretary, Land and Minerals Management, Minerals Management Service, transmitting, pursuant to law, the report of a rule entitled "Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Civil Penalties" (RIN1010-AD07) received on December 1, 2003; to the Committee on Energy and Natural Resources.

EC-5464. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Revisions to Delaware's Motor Vehicle Emissions Inspection Program and Low Enhanced Inspection and Maintenance Program" (FRL#7590-9) received on December 1, 2003; to the Committee on Environment and Public Works.

EC-5465. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Nebraska Update to Materials Incorporated by Reference" (FRL#7592-1) received on December 1, 2003; to the Committee on Environment and Public Works.

EC-5466. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; State of Missouri" (FRL#7591-4) received on December 1, 2003; to the Committee on Environment and Public Works.

EC-5467. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Approval of Revision to Operating Permits Program in Ohio" (FRL#7588-9) received on December 1, 2003; to the Committee on Environment and Public Works.

EC-5468. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, the Commission's latest monthly report on the status of its licensing and regulatory duties; to the Committee on Environment and Public Works.

EC-5469. A communication from the Assistant Secretary, Fish, Wildlife, and Parks, Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled "Marine Mammals; Incidental Take During Specific Activities" (RIN1018-AH92) received on December 4, 2003; to the Committee on Environment and Public Works.

EC-5470. A communication from the Assistant Secretary, Fish, Wildlife, and Parks, Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled "Joint Counterpart Endangered Species Act Section 7 Consultation Regulations" (RIN1018-AJ02) received on December 4, 2003; to the Committee on Environment and Public Works.

EC-5471. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Coverage and Payment of Ambulance Services; Inflation Update for CY 2004" (RIN0938-AM44) received on December 3, 2003; to the Committee on Finance.

EC-5472. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs; Religious Non-medical Health Care Institutions and Advance Directives" (RIN0938-AI93) received on December 3, 2003; to the Committee on Finance.

EC-5473. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice" (Notice 2003-80) received on December 4, 2003; to the Committee on Finance.

EC-5474. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Information Reporting for Distributions with Respect to Securities Issued by Foreign Corporations" (Notice 2003-79) received on December 4, 2003; to the Committee on Finance.

EC-5475. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report relative to Medicare payment policies for medical education; to the Committee on Finance.

EC-5476. A communication from the Chairman, Occupational Safety and Health Review Commission, transmitting, pursuant to law, a report relative to the Agency's compliance with the Inspector General Act of 1978; to the Committee on Governmental Affairs.

EC-5477. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule

entitled "Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)" (RIN3095-AB04) received on December 1, 2003; to the Committee on Governmental Affairs.

EC-5478. A communication from the Chairman, Board of Governors, United States Postal Service, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC-5479. A communication from the Secretary of Labor, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC-5480. A communication from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC-5481. A communication from the Auditor of the District of Columbia, transmitting, a report entitled "Fiscal Year Annual Report On Advisory Neighborhood Commissions"; to the Committee on Governmental Affairs.

EC-5482. A communication from the Director, Management and Chief Financial Officer, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Reflect Change of Address of the Interior Board of Contract Appeals" (RIN3206-AK07) received on December 1, 2003; to the Committee on Governmental Affairs.

EC-5483. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC-5484. A communication from the Special Assistant to the President and Director, Office of Administration, Executive Office of the President, transmitting, pursuant to law, a report relative to personnel employed in the White House, the Executive Residence at the White House, the Office of the Vice President, the Office of Policy Development, and the Office of Administration; to the Committee on Governmental Affairs.

EC-5485. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to law, a report of the Office of Inspector General for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC-5486. A communication from the Secretary of Energy, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC-5487. A communication from the Deputy Assistant Secretary for Administration, Department of Transportation, transmitting, pursuant to law, copies of the inventories of commercial and inherently governmental positions in the Department of Transportation; to the Committee on Governmental Affairs.

EC-5488. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Part A Premium for 2004 for the Uninsured, Aged, and for Certain Disabled Individuals Who Have Exhausted Other Entitlement" (RIN0938-AM33) received on December 1, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-5489. A communication from the Director, Regulations and Forms Services, Immi-

gration and Customs Enforcement, transmitting, pursuant to law, the report of a rule entitled "Suspending the 30-Day and Annual Interview Requirements From the Special Registration Process for Certain Non-immigrants" (RIN1653-AA29) received on December 4, 2003; to the Committee on the Judiciary.

EC-5490. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for 2004" (RIN0938-AM31) received on December 1, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-5491. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Debarment and Suspension (Nonprocurement) and Drug-Free Workplace (Grants)" (RIN0991-AB12) received on December 1, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-5492. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Reduction in Medicare Part B Premiums As Additional Benefits Under Medicare Plus Choice Plans" (RIN0938-AL49) received on December 1, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-5493. A communication from the Division of Acquisition Management Services, Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace" (RIN1291-AA33) received on December 3, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-5494. A communication from the Assistant General Counsel for Regulatory Services, Office of the Chief Financial Officer, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Governmentwide Requirements for Drug-Free Workplace (Financial Assistance); Governmentwide Debarment and Suspension (Nonprocurement); Student Assistance General Provisions; and Federal Family Education Loan Program" (RIN1890-AA07) received on December 4, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-5495. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on December 3, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-5496. A communication from the Assistant Secretary for Indian Affairs, Division of Transportation, Bureau of Indian Affairs, transmitting, pursuant to law, the report of a rule entitled "Partial Distribution of Fiscal Year 2004 Indian Reservation Roads Funds" (RIN1076-AE50) received on December 3, 2003; to the Committee on Indian Affairs.

EC-5497. A communication from the Secretary of the Interior, transmitting, pursuant to law, a proposed plan for the use and distribution of the Pueblo of Isleta judgment funds; to the Committee on Indian Affairs.



EC-5498. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Monthly Actuarial Rates and Monthly Supplementary Medical Insurance Premium Beginning January 1, 2004" (RIN0938-AM91) received on December 1, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-5499. A communication from the Vice Chairman, Office of the General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Leadership PACs" (Notice 2003-22) received on December 1, 2003; to the Committee on Rules and Administration.

EC-5500. A communication from the Vice Chairman, Office of the General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Leadership PACs" (Notice 2003-22) received on December 1, 2003; to the Committee on Rules and Administration.

EC-5501. A communication from the Director, Regulations Management, Veterans Benefits Administration, transmitting, pursuant to law, the report of a rule entitled "Veterans Education: Increased Allowances for the Educational Assistance Test Program" (RIN2900-AL52) received on December 1, 2003; to the Committee on Veterans' Affairs.

EC-5502. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Inflation-Adjusted Items for 2004" (Rev. Proc. 2003-85) received on December 1, 2003; to the Committee on Finance.

EC-5503. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "General Electric Co. and Subs. V. Commissioner, T.C. Memo. 1995-306 Rev'd in Part Vacated in Part and Remanded 245 f.3. 149 (2d Cir.200100)" received on December 1, 2003; to the Committee on Finance.

EC-5504. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "2004 Annual Covered Compensation Tables" (Rev. Rule 2003-124) received on December 1, 2003; to the Committee on Finance.

EC-5505. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Tenant Income Certifications for Acquisition/Rehabilitation" (Rev. Proc. 2003-82) received on December 1, 2003; to the Committee on Finance.

EC-5506. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Professional Employer Organizations" (Rev. Proc. 2003-86) received on December 1, 2003; to the Committee on Finance.

EC-5507. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Photocopying Reimbursement Methodology" (RIN0938-AK68) received on December 3, 2003; to the Committee on Finance.

EC-5508. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330, 301, 321, 322, 341, and 342 Airplanes; Doc. No. 2001-NM-353" (RIN2120-AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5509. A communication from the Program Analyst, Federal Aviation Administration,

Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Mitsubishi Heady Industries, Ltd MU-2B Series Airplanes; Doc. No. 2003-CE-22" (RIN2120-AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5510. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Hartzell Propeller Inc. Model HC A6A 3 Series Propellers; Doc. No. 2003-NE-47" (RIN2120-AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5511. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model AS350B, B1, B2, BA, C, D, D1, and AS355E, F, F1, F2 and N Helicopters; Doc. No. 2000-SW-12" (RIN2120-AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5512. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce plc Trent 768-60 Turbofan Engines; Doc. No. 2003-NE-37" (RIN2120-AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5513. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce plc Trent 556-61 Turbofan Engines; Doc. No. 2003-NE-42" (RIN2120-AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5514. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model AS350B, B1, B2, B3, BA, C, D, D1, and F1, F2, and N Helicopters; Doc. No. 2003-SW-18" (RIN2120-AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5515. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt and Whitney PW4074, 4074D, 4077, 4077D, 4084, 4084D, 4090, 4090D, 4090-3, and PW 4098 Turbofan Engines; Doc. No. 2003-NE-40" (RIN2120-AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5516. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: MD Helicopters Inc. Model 369A, H, HE, HS, D, and E Helicopters; Doc. No. 2003-SW-16" (RIN2120-AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5517. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model EC120B Helicopters; Doc. No. 2003-SW-07" (RIN2120-AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5518. A communication from the Program Analyst, Federal Aviation Administration,

Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: The New Poper Aircraft Models PA 31, 31-300, 31-325, 31-350, 31P, 31T, 31T1, 31T2, 31T3, and 31P-350 Airplanes; Doc. No. 2003-CE-03" (RIN2120-AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5519. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt and Whitney JT9D-3A, 7, 7A, 7F, 7H, and 7J Turbofan Engines; Doc. No. 2003-NE-52" (RIN2120-AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5520. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (83); Amdt. No. 3079" (RIN2120-AA65) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5521. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (83); Amdt. No. 3079" (RIN2120-AA65) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5522. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (50); Amdt. No. 3081" (RIN2120-AA65) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5523. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Clarion, IA; Doc. No. 03-ACE-68" (RIN2120-AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5524. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; New Richmond, WI; Doc. No. 03-AGL-08" (RIN2120-AA608) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5525. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Minot, ND; Doc. No. 03-AGL-07" (RIN2120-AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5526. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Kingman, KS; Doc. No. 03-ACE-73" (RIN2120-AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5527. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Winterset, IA; Doc. No. 03-ACE-87" (RIN2120-



AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5528. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD-11 Airplanes; Doc. No. 2003-NM-68" (RIN2120-AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5529. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD-11 and 11F Airplanes; Doc. No. 2003-NM-70" (RIN2120-AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5530. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC-9-81 (MD-81), DC-9-87 (MD-87), and MD-88 Airplanes; Doc. No. 2000-NM-150" (RIN2120-AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5531. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Cessna Aircraft Company Models 172R, 172S, 182S, 182T, T182T, 206H, and T206H Airplanes; Doc. No. 2003-CE-28" (RIN2120-AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5532. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC-10-10, -10F, -15, -30, -30F, -40, -40F, MD-10-40F, -10F, -30F, MD-11, and MD-11F Airplanes; Doc. No. 2001-NM0297" (RIN2120-AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5533. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model AS332C, Ci, L, L1, AS350B, BA, B1, B3, and D, and AS355E, F, F1, F2, and N Helicopters; Doc. No. 2003-SW-15" (RIN2120-AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5534. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls-Royce Corporation (Formerly Allison Engine Company) AE3007A1/1, -A1/3, -A3, -A1E, and -A1P Turbofan Engines; Doc. No. 2003-NE-19" (RIN2120-AA64) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5535. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Great Bend, KS; Doc. No. 03-ACE-72" (RIN2120-AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5536. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled "Establishment of Class E Airspace; Gettysburg, PA; Doc. No. 03-AEA-04" (RIN2120-AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5537. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Oskaloos, IA; Doc. No. 03-ACE-84" (RIN2120-AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5538. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Osceola, IA; Doc. No. 03-ACE-83" (RIN2120-AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5539. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Waverly, IA; Doc. No. 03-ACE-86" (RIN2120-AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5540. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Mount Pleasant, IA; Doc. No. 03-ACE-82" (RIN2120-AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5541. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Tipton, IA; Doc. No. 03-ACE-85" (RIN2120-AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5542. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Mentasta Lake Mountains Area, AK; AK Doc. No. 03-AAL-18" (RIN2120-AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5543. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; York, PA; Doc. No. 03-AEA-08" (RIN2120-AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5544. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Gettysburg, PA; Correction Doc. No. 03-AEA-04" (RIN2120-AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5545. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Manokotak, AK; Doc. No. 03-AAL-19" (RIN2120-AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5546. A communication from the Paralegal Specialist, Federal Aviation Adminis-

tration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Ormond Beach, FL; Doc. No. 03-ASO-9" (RIN2120-AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5547. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E4 Airspace; and Modification of Class E5 Airspace; Goodland, KS; Doc. No. 03-ACE-71" (RIN2120-AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5548. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Buckhannon, WV; Doc. No. 03-AEA-05" (RIN2120-AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5549. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Cherokee, IA; Doc. No. 03-ACE-89" (RIN2120-AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5550. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Greenfield, IA; Doc. No. 03-ACE-88" (RIN2120-AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5551. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments 3085 Doc. No. 30399" (RIN2120-AA65) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5552. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Charlottesville, VA; Correction Doc. No. 03-AEA-09" (RIN2120-AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5553. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; New York, NY; Doc. No. 03-AEA-14" (RIN2120-AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5554. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; New York and New Jersey; Doc. No. 03-AEA-17" (RIN2120-AA66) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5555. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments 3084 Doc. No. 30398" (RIN2120-AA65)

received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5556. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Aging Aircraft Safety Doc. No. 1999-5401" (RIN2120-AA6) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5557. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Regatta and Marine Parade Regulation; Special Local Reg." (RIN1625-AA08) received on December 8, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5558. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations" (RIN1625-AA00) received on December 8, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5559. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area" (RIN1625-AA11) received on December 8, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5560. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ravenswood and Racine, Ohio)" (MB Doc. No. 03-22) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5561. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Conway and Vilonia, AK)" (MB Doc. No. 03-23) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5562. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Worcester and Westborough, Massachusetts)" (MB Doc. No. 02-49) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5563. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Marble Falls and Dripping Springs, TX)" (MB Doc. No. 03-195) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5564. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ash Fork, Chino Valley, Dolan Springs, Fredonia, Gilbert, Peach Springs, Seligman, and Tusayan, AZ; Moapa Valley, NV; Beaver and Cedar City, UT)" (MM Doc. No. 02-12) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5565. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled

"Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations (Corpus Christi, TX)" (MM Doc. No. 00-198) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5566. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Elimination of Experimental Broadcast Ownership Restrictions" (FCC01-99) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5567. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Oak Grove and Trenton, KY; Springfield, TN)" (MB Doc. No. 03-132) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5568. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Juneau, Alaska" (MB Doc. No. 03-97) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5569. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Bluefin Tuna Fisheries, Quota Transfer; Fishery Closure" (ID#111303B) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5570. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Trip Limit Adjustments" (ID#111903C) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5571. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Reallocation of Projected Unused Amounts of Bering Sea Subarea Pollock from the Incidental Catch Account to the Directed Fisheries" received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5572. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Trip Limit Reduction for the Commercial Fishery for Gulf Group King Mackerel in the Northern Florida West Coast Subzone" received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5573. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Approved Measures Contained in the Framework Adjustment 3 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan" (RIN0648-AR43) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5574. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law,

the report of a rule entitled "Interim 2004 Total Allowable Catch (TAC) Amounts for Each Category of Groundfish, Community Development Quota (CDQ) Reserve Amounts, American Fisheries Act (AFA) Pollock Allocations and Sideboard Amounts, and Prohibited Species Catch (PSC) Allowances and Prohibited Species Quota (PSQ) Reserves for the Groundfish Fisheries of the Bering Sea and Aleutian Islands Management Area (BSAI)" received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5575. A communication from the Attorney Advisor, CFO, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Budget and Programs, CFO, received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5576. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "NASA Grant and Cooperative Agreement Handbook—Public Acknowledgments" (RIN2700-AC75) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5577. A communication from the General Counsel, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Requirements for Bicycles—Tests and Test Procedures; Correction" (68 FR 52690) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5578. A communication from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Revision of Parts 2 and 15 of the Commission's Rules to Permit Unlicensed National Information Infrastructure Devices in the 5 GHz Band" (FCC03-287) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5579. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Use of Locomotive Horns at Highway-Rail Grade Crossings" (RIN2130-AA71) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5580. A communication from the Office of the Chairman, National Transportation Safety Board, transmitting, pursuant to law, a report of a violation of the Antideficiency Act relative to the scoring analysis described in Appendix B of OMB Circular A-11; to the Committee on Commerce, Science, and Transportation.

EC-5581. A communication from the Fishery Biologist, Office of Protected Resources, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Endangered and threatened Species; Final Rule Governing Take of Four Threatened Evolutionary Significant Units of West Coast Salmonids" (RIN0648-AP17) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5582. A communication from the Secretary of Transportation, transmitting, a report from the Federal Transit Administration relative to maximum axle weight limitations; to the Committee on Commerce, Science, and Transportation.

EC-5583. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Deputy Secretary, Department of Transportation, received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5584. A communication from the Chief, Regulations and Administrative Law, Coast

Guard, transmitting, pursuant to law, the report of a rule entitled "Rates for Pilotage on the Great Lakes" (RIN1625-AA38) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5585. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Civil Monetary Penalties—Adjustments for Inflation" (RIN1625-AA01) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5586. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Inner Harbor Navigation" (RIN1625-AA09) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5587. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Charleston Harbor, Cooper River, SC; San Francisco Bay, Morgan City" (RIN1625-AA00) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5588. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Los Angeles Beach" (RIN1625-AA00) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5589. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Technical Amendment to Update and Correct Office of Management and Budget Control Numbers and Related Regulatory Citations for NMFS Information Collection" (RIN0648-AR71) received on December 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5590. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the National Emergency declared in Executive Order 13313 of July 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5591. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Atlantic Herring Fishery; Closure of Directed Fishery for Management Area 1A" (ID110703B) received on December 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5592. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Notice of Closure of the 2003 Fall Gulf of Mexico Commercial Red Snapper Fishery" received on December 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5593. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "December 2002 Wassenaar Arrangement Plenary Agreement Implementation: Categories 1-7 of the Commerce Control List and Reporting Requirements" (RIN0694-AC85) received on December 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5594. A communication from the Secretary of the Commission, Bureau of Eco-

nomics, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Annual Adjustment of Ceiling on Allowable Charge for Certain Disclosures under the Fair Credit Reporting Act Section 612(f)" received on December 29, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5595. A communication from the Attorney Advisor, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Interstate Highway System" (RIN2125-AF00) received on December 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5596. A communication from the Senior Attorney Advisor, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Revisions to Incident Reporting Requirements and the Hazardous Materials Incident Report" (RIN2137-AD21) received on December 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5597. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Upgrade Fuel Integrity Performance Requirements" (RIN2127-AF36) received on December 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5598. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Delaware Bay and River" (RIN1625-AA00) received on January 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC-5599. A communication from the Senior Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pipeline Safety: Pipeline Integrity Management in High Consequence Areas (Gas Transmission Pipeline Operations)" (RIN2137-AD54) received on December 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5600. A communication from the Secretary of Transportation, transmitting, the Department of Transportation's Annual Report of the Maritime Administration for Fiscal Year 2002; to the Committee on Commerce, Science, and Transportation.

EC-5601. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Vessel Monitoring Systems and Incidental Catch Measures" (RIN0648-AQ58) received on December 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5602. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, a report entitled "Government Property—Instructions for Preparing NASA Form 1018" (RIN2700-AC73) received on December 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5603. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Exempted Fishing Activities" (RIN0648-AO79) received on December 18, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5604. A communication from the Acting Director, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled "Closure of the Commercial Fishery for Gulf Group King Mackerel in the Northern Florida West Coast Subzone" received on December 18, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5605. A communication from the Assistant Chief Counsel, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "National Standards for Traffic Control Devices: Manual on Uniform Traffic Control Devices for Streets and Highways; Revision" (RIN2125-AE93) received on December 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5606. A communication from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Notice of Intent to Prepare an Environmental Impact Statement for the Construction of an Office/Laboratory/Classroom Facility for the Canaan Valley Institute" (Doc.#031110276-3276-01) received on December 18, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5607. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy for the position of Assistant Secretary of Defense (International Security Policy), Department of Defense, received on December 30, 2003; to the Committee on Armed Services.

EC-5608. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, a report relative to the F/A-18 E/F and EA-18G aircraft multiyear program; to the Committee on Armed Services.

EC-5609. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, a report relative to the Defense Cooperation Account; to the Committee on Armed Services.

EC-5610. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the International Traffic in Arms Regulations; to the Committee on Armed Services.

EC-5611. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the removal of an item from the United States Munitions List; to the Committee on Armed Services.

EC-5612. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$100,000,000 or more to the United Kingdom; to the Committee on Armed Services.

EC-5613. A communication from the Acting Under Secretary of Defense, Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to corrosion and its effects on the military infrastructure of the Department; to the Committee on Armed Services.

EC-5614. A communication from the Deputy Secretary of Defense, Department of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC-5615. A communication from the Deputy Secretary of Defense, Department of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC-5616. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Central Contractor Registration" (DFARS Case 2003-D040) received on December 8, 2003; to the Committee on Armed Services.

EC-5617. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "DoD Activity Address Codes in Contract Numbers" (DFARS Case 2003-D0005) received on December 8, 2003; to the Committee on Armed Services.

EC-5618. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Competition Requirements for Purchases from a Required Source" (DFARS Case 202-D0003) received on December 8, 2003; to the Committee on Armed Services.

EC-5619. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Provisional Award Fee Programs" (DFARS Case 2001-D013) received on December 8, 2003; to the Committee on Armed Services.

EC-5620. A communication from the Acting Under Secretary of Defense, Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to research and development programs approved as spiral development programs; to the Committee on Armed Services.

EC-5621. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Walnuts Grown in California; Deceased Assessment Rate" (Doc. No. FV04-984-1) received on December 15, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5623. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Oranges in Grapefruit Grown in Lower Rio Grande Valley in Texas; Increased Assessment Rate" (Doc. No. FV04-906-1) received on December 15, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5624. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "National Organic Program; Amendments to the National List of Allowed and Prohibited Substances" (Doc. No. TM-03-02) received on December 15, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5625. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Vinclozolin; Time-Limited Pesticide Tolerances Technical Correction" (FRL#7337-7) received on December 10, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5626. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cyprodinil; Time-Limited Pesticide Tolerance" (FRL#7337-5) received on December 10, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5627. A communication from the Deputy Associate Administrator, Environmental

Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Furoxypyr; Pesticide Tolerance" (FRL#7304-5) received on December 10, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5628. A communication from the Administrator, Rural Housing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Direct Final Rule—Fire and Rescue and Other Community Facilities" (RIN0575-AC53) received on December 10, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5629. A communication from the Acting Staff Director, Office of Regulatory and Management Services, Forest Service, transmitting, pursuant to law, the report of a rule entitled "Special Areas: Roadless Area Conservation; Applicability to the Tongass National Forest, Alaska" (RIN0596-AC42) received on January 5, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5630. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation relative to providing financial assistance to the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau under the Cooperative Forestry Assistance Act of 1978; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5631. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Ports of Entry for Certain Plants and Plant Products" (Doc. No. 03-067-1) received on December 18, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5632. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the national emergency with respect to Libya declared in Executive Order 12543; to the Committee on Banking, Housing, and Urban Affairs.

EC-5633. A communication from the President of the United States, transmitting, pursuant to law, a report on appointments during a National Emergency; to the Committee on Banking, Housing, and Urban Affairs.

EC-5634. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a six-periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938; to the Committee on Banking, Housing, and Urban Affairs.

EC-5635. A communication from the Deputy Secretary, Division of Corporate Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Commission Guidance Regarding Management's Discussion and Analysis of Financial Condition and Results of Operations" (RIN3235-AH37) received on December 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-5636. A communication from the Deputy Secretary, Division of Corporate Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "New Rule 17Ad-19, Amendments to Rules 17f-1, 17Ad-7, and 17Ad-12 under the Securities Exchange Act" (RIN3235-AH94) received on December 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-5637. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations; 68 FR 64817" received

on December 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-5638. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations; 68 FR 64819" received on December 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-5639. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility; 68 FR 62748" received on December 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-5640. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations; 68 FR 64809" received on December 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-5641. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations; 68 FR 64812" received on December 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-5642. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations; 68 FR 66023" received on December 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-5643. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations; 68 FR 66020" received on December 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-5644. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations; 68 FR 66024" received on December 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-5645. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "FHA TOTAL Mortgage Scorecard" (RIN2502-A100) received on December 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-5646. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Housing Assistance for Native Hawaiians: Native Hawaiian Housing Block Grant Program and Loan Guarantees for Native Hawaiian Housing Program; Final Rule" (RIN2577-AC27) received on December 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-5647. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Mixed-Finance Development for Supportive Housing for the

Elderly or Persons with Disabilities and Other Changes to 24 CFR Part 891" (RIN2502-AH83) received on December 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-5648. A communication from the Assistant to the Board, Board of the Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Regulation Y—Bank Holding Companies and Change in Bank Control; Rule Expanding the Ability of Bank Holding Companies to Engage in Nonfinancial Data Processing Activities" (Doc. No. R-1092) received on December 15, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-5649. A communication from the Director, Benefit Design and Compliance, AgriBank Corporation, transmitting, a report relative to retirement plans for several farm credit districts; to the Committee on Banking, Housing, and Urban Affairs.

EC-5650. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to U.S. exports to Thailand, dated December 17, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-5651. A communication from the Secretary of the Treasury, transmitting, the Department of the Treasury's Performance and Accountability Report for FY 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-5652. A communication from the Chairman, Farm Credit System Insurance Corporation, transmitting, pursuant to law, a report relative to the Financial Managers' Integrity Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-5653. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report with respect to the national emergency with respect to the Western Balkans that was declared in Executive Order 13219; to the Committee on Banking, Housing, and Urban Affairs.

EC-5654. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report with respect to the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159; to the Committee on Banking, Housing, and Urban Affairs.

EC-5655. A communication from the Assistant Director, Legislative and Regulatory Activities Division, Comptroller of the Currency, transmitting, pursuant to law, the report of a rule entitled "Reporting and Disclosure Requirements for National Banks with Securities Registered Under the Securities Exchange Act of 1934; Securities Offering Disclosure Rules" received on January 5, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-5656. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report with respect to the national emergency with respect to Libya that was declared in Executive Order 12543; to the Committee on Banking, Housing, and Urban Affairs.

EC-5657. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Kentucky Regulatory Program" (KY-245-FOR) received on January 5, 2004; to the Committee on Energy and Natural Resources.

EC-5658. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Indiana Regulatory Program" (IN-153-FOR) received on

January 5, 2004; to the Committee on Energy and Natural Resources.

EC-5659. A communication from the Director, Office of Civilian Radioactive Waste Management, Department of Energy, transmitting, pursuant to law, a report relative to activities and expenditures of the Office; to the Committee on Energy and Natural Resources.

EC-5660. A communication from the Deputy Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Dugong (Dugong dugon) in the Republic of Palau" (RIN1018-A181) received on December 15, 2003; to the Committee on Energy and Natural Resources.

EC-5661. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Governmentwide Debarment and Suspension (Nonprocurement), and Requirements for Drug-Free Workplace (Grants); Rules" (RIN1991-AB56) received on December 30, 2003; to the Committee on Energy and Natural Resources.

EC-5662. A communication from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program for Consumer Products: Test Procedure for Clothes Washers" (RIN1904-AB43) received on December 30, 2003; to the Committee on Energy and Natural Resources.

EC-5663. A communication from the Director, Office of Hearings and Appeals, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Special Rules Applicable to Surface Coal Mining Hearings and Appeals" (RIN1090-AA92) received on December 30, 2003; to the Committee on Energy and Natural Resources.

EC-5664. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Amendments to Blanket Sales Certificates" received on December 30, 2003; to the Committee on Energy and Natural Resources.

EC-5665. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Order Amending Market-Based Rate Tariffs and Authorizations" received on December 30, 2003; to the Committee on Energy and Natural Resources.

EC-5666. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the application of "Other Transactions Authority" within the Department of Energy; to the Committee on Energy and Natural Resources.

EC-5667. A communication from the General Counsel, Department of Energy, transmitting, pursuant to law, a report relative to the Comprehensive Environmental Response, Compensation, and Liability Act; to the Committee on Energy and Natural Resources.

EC-5668. A communication from the Manager, Oak Ridge Operations Office, Department of Energy, transmitting, pursuant to law, the Oak Ridge Reservation Annual Site Environmental Report for Calendar Year 2000; to the Committee on Energy and Natural Resources.

EC-5669. A communication from the Office of Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of a nomination for the position of Chief Financial Officer, Department

of Energy, received on December 8, 2003; to the Committee on Energy and Natural Resources.

EC-5670. A communication from the Assistant Secretary, Legislative Affairs, transmitting, pursuant to law, the report of an extension of Presidential Determination 2003-04 dated September 24, 2003; to the Committee on Foreign Relations.

EC-5671. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Danger Pay Allowances for Saudi Arabia; to the Committee on Foreign Relations.

EC-5672. A communication from the Chief of Protocol, Department of State, transmitting a report relative to listings of foreign gifts of more than minimal value reported to employing agencies in calendar year 2001; to the Committee on Foreign Relations.

EC-5673. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a waiver authority with regard to the prohibition on military assistance provided for in the American Servicemembers' Act for Bulgaria, Estonia, Latvia, Lithuania, Slovakia, Slovenia; to the Committee on Foreign Relations.

EC-5675. A communication from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting, pursuant to law, the report of a nomination for the position of Deputy Administrator, U.S. Agency for International Development, received on December 18, 2003; to the Committee on Foreign Relations.

EC-5676. A communication from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting, pursuant to law, the report of a discontinuation of service in acting role and nomination for the position of Assistant Administrator, U.S. Agency for International Development, received on December 18, 2003; to the Committee on Foreign Relations.

EC-5677. A communication from the President of the United States, transmitting, pursuant to law, a report relative to post-liberation Iraq; to the Committee on Foreign Relations.

EC-5678. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-5679. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of an amendment to Part 89 of Volume 22 of the Code of Federal Regulations; to the Committee on Foreign Relations.

EC-5680. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$50,000,000 or more to The Republic of Korea, The United Kingdom, and The Netherlands; to the Committee on Foreign Relations.

EC-5681. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of proposed manufacturing license agreement for the manufacture of significant military equipment abroad to Japan; to the Committee on Foreign Relations.

EC-5682. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of proposed license for the export of defense articles in the amount of

\$1,000,000 or more to United Kingdom, Germany, Spain, Turkey, and The Netherlands; to the Committee on Foreign Relations.

EC-5683. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of proposed license for the export of defense articles or defense services sold commercially under contract in the amount of \$50,000,000 or more to the Republic of Korea and Germany; to the Committee on Foreign Relations.

EC-5684. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$50,000,000 or more to Israel; to the Committee on Foreign Relations.

EC-5685. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the certification of two proposed licenses for the export of defense articles that are firearms sold commercially under a contract in the amount of \$1,000,000 or more to the United Arab Emirates; to the Committee on Foreign Relations.

EC-5686. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$50,000,000 or more to Pacific Ocean/International Waters; to the Committee on Foreign Relations.

EC-5687. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of two proposed manufacturing license agreements for the manufacture of significant military equipment abroad and the export of defense articles or defense services in the amount of \$100,000,000 or more to Italy and Belgium; to the Committee on Foreign Relations.

EC-5688. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of two proposed licenses for the export of defense articles that are firearms sold commercially under a contract in the amount of \$1,000,000 or more to Greece; to the Committee on Foreign Relations.

EC-5689. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$100,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC-5690. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of proposed license for the export of defense articles in the amount of \$50,000,000 or more to Saudi Arabia; to the Committee on Foreign Relations.

EC-5691. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of proposed license for the export of defense articles or defense services sold commercially in the amount of \$50,000,000 or more to Saudi Arabia; to the Committee on Foreign Relations.

EC-5692. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad to Canada; to the Committee on Foreign Relations.

EC-5693. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting a report entitled "Integrating Natural Resource Management and Agriculture"; to the Committee on Foreign Relations.

EC-5694. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Benjamin A. Oilman International Scholarship Program; to the Committee on Foreign Relations.

EC-5695. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a notification of the Department's intent to obligate funds for purposes of Non-proliferation and Disarmament Fund activities; to the Committee on Foreign Relations.

EC-5696. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of proposed manufacturing license agreement for the manufacture of significant military equipment abroad to the United Kingdom; to the Committee on Foreign Relations.

EC-5697. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of proposed license for the export of defense articles and to provide defense services in the amount of \$100,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC-5698. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC-5699. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-5700. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Determination of Interest Rates" (Rev. Rul. 2003-126) received on December 15, 2003; to the Committee on Finance.

EC-5701. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Correct Tax Liability" (Rev. Proc. 2004-2) received on December 15, 2003; to the Committee on Finance.

EC-5702. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Section 165 Worthless Stock Deduction of a Subsidiary" (Rev. Rule 2003-125) received on December 15, 2003; to the Committee on Finance.

EC-5703. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Arbitrage Restrictions Applicable to Tax-Exempt Bonds Issued by State and Local Governments" (RIN1545-AX22) received on December 15, 2003; to the Committee on Finance.

EC-5704. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pur-

suant to law, the report of a rule entitled "Hedge Identification" (Rev. Rule 2003-127) received on December 15, 2003; to the Committee on Finance.

EC-5705. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Guidance Under Section 1502; Application of Section 108 to Members of a Consolidated Group" (TD9098) received on December 15, 2003; to the Committee on Finance.

EC-5706. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Interpretation of Section 301.6109-1(d)(3)(ii) of the Procedure and Administration Regulations" (Notice 2004-1) received on December 15, 2003; to the Committee on Finance.

EC-5707. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Guidance Necessary to Facilitate Business Electronic Filing" (TD9100) received on December 15, 2003; to the Committee on Finance.

EC-5708. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Section 846 Discount Factors for 2003" (Rev. Proc. 2004-9) received on December 15, 2003; to the Committee on Finance.

EC-5709. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Section 832 Discount Factors for 2003" (Rev. Proc. 2004-10) received on December 15, 2003; to the Committee on Finance.

EC-5710. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Qualified Offer Regulations" (RIN1545-AW99) received on December 29, 2003; to the Committee on Finance.

EC-5711. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Information Statements for Certain Substitute Payments" (RIN1545-BC97) received on December 29, 2003; to the Committee on Finance.

EC-5712. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Confidential Transactions" (TD9108) received on December 29, 2003; to the Committee on Finance.

EC-5713. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Information Reporting Relating to Taxable Stock Transactions" (RIN1545-BC80) received on December 29, 2003; to the Committee on Finance.

EC-5714. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Establishing Defenses to the Imposition of the Accuracy-Related Penalty" (RIN1545-AY97) received on December 29, 2003; to the Committee on Finance.

EC-5715. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Public Advocacy Activities Conducted by Certain Tax-Exempt Organizations" (Rev. Rule 2004-6) received on December 29, 2003; to the Committee on Finance.



EC-5716. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Heath Savings Accounts" (Notice 2004-2) received on December 29, 2003; to the Committee on Finance.

EC-5717. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Request for Comments Concerning the Application of Sections 162 and 263 to Tangible Property" (Notice 2004-6) received on December 29, 2003; to the Committee on Finance.

EC-5718. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Charitable Contributions of Patents and Other Intellectual Property" (Notice 2004-7) received on December 29, 2003; to the Committee on Finance.

EC-5719. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates - January 2004" (Rev. Rul. 2004-2) received on December 29, 2003; to the Committee on Finance.

EC-5720. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Relative Value of Optional Forms of Benefit" (TD9099) received on December 29, 2003; to the Committee on Finance.

EC-5721. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Old-Age, Survivors, and Disability Insurance and Supplemental Security Income; Collection of Overdue Program and Administrative Debts Using Administrative Wage Garnishment" (RIN9060-AE92) received on December 18, 2003; to the Committee on Finance.

EC-5722. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)" (RIN9060-AE27) received on December 18, 2003; to the Committee on Finance.

EC-5723. A communication from the Regulations Coordinator, Center for Medicare Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Hospital Outpatient Prospective Payment System Payment Reform for Calendar Year 2004" (RIN9038-AM96) received on December 15, 2003; to the Committee on Finance.

EC-5724. A communication from the Regulations Coordinator, Center for Medicare Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Notice of One Time Appeal Process for Hospital Wage Calendar Classification" (RIN9038-AN00) received on December 15, 2003; to the Committee on Finance.

EC-5725. A communication from the Regulations Coordinator, Center for Medicare Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Notice of One Time Appeal Process for Hospital Wage Calendar Classification" (RIN9038-AN00) received on December 15, 2003; to the Committee on Finance.

EC-5726. A communication from the Regulations Coordinator, Center for Medicare Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Pro-

grams; Time Limitation on Recordkeeping Requirements Under the Drug Rebate Program" (RIN0938-AM20) received on December 15, 2003; to the Committee on Finance.

EC-5727. A communication from the Regulations Coordinator, Center for Medicare Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Changes to the Medicare Payment for Drugs and Physician Fee Schedule Payments for Calendar Year 2004" (RIN0938-AM97) received on December 15, 2003; to the Committee on Finance.

EC-5728. A communication from the Director, Financial Management, General Accounting Office, transmitting, pursuant to law, the Fiscal Year 2003 Annual Report of the Comptrollers' General Retirement System; to the Committee on Governmental Affairs.

EC-5729. A communication from the Chief Operating Officer, Corporation for National and Community Service, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Chief Executive Officer, Corporation for National and Community Service, received on January 5, 2004; to the Committee on Governmental Affairs.

EC-5730. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the two reports of the Office of Inspector General, for period ending September 30, 2003, relative to the Internal Revenue Service and the rest the Treasury organization; to the Committee on Governmental Affairs.

EC-5731. A communication from the Chairman, U.S. Merit Systems Protection Board, transmitting, pursuant to law, the Board's Fiscal Year 2003 Performance and Accountability Report; to the Committee on Governmental Affairs.

EC-5732. A communication from the Chief Operating Officer, Chemical Safety and Hazard Investigation Board, transmitting, pursuant to law, the Board's annual inventory of activities; to the Committee on Governmental Affairs.

EC-5733. A communication from the Secretary of Veterans' Affairs, transmitting, pursuant to law, the report of the Office of the Inspector General for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC-5734. A communication from the Administrator, General Services Administration, the report of the Office of Inspector General relative to auditing activity; to the Committee on Governmental Affairs.

EC-5735. A communication from the Acting Special Counsel, Office of Special Counsel, transmitting, pursuant to law, the report of a rule entitled "5 CFR Part 1800: 1800.1—Filing Complaints of Prohibited Personnel Practices or Other Prohibited Activity; 1800.3—Filing Disclosures of Information; 1800.3—Advisory Opinions" received on January 5, 2004; to the Committee on Governmental Affairs.

EC-5736. A communication from the Chairman, International Trade Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC-5737. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending September 30, 2003 relative to the Department of the Interior; to the Committee on Governmental Affairs.

EC-5738. A communication from the Chairman and General Counsel, National Labor Relations Board, transmitting, pursuant to law, the report of the Office of Inspector

General for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC-5739. A communication from the Director, Panama Canal Commission, transmitting, pursuant to law, an annual report relative to the Federal Managers' Financial Integrity Act of 1982; to the Committee on Governmental Affairs.

EC-5740. A communication from the Administrator, Agency for International Development, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC-5741. A communication from the Chairman, Merit Systems Protection Board, transmitting a report entitled "The Federal Workforce for the 21st Century: Results of the Merit Principles Survey 2000"; to the Committee on Governmental Affairs.

EC-5742. A communication from the Executive Director, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of the annual report of the Office of Inspector General; to the Committee on Governmental Affairs.

EC-5743. A communication from the Independent Counsel, Office of Independent Counsel, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC-5744. A communication from the Director, Trade and Development Agency, transmitting, pursuant to law, a report relative to the Agency's audit and internal management activities; to the Committee on Governmental Affairs.

EC-5745. A communication from the Secretary, American Battle Monuments Commission, transmitting, pursuant to law, the Commission's Annual Report; to the Committee on Governmental Affairs.

EC-5746. A communication from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of a nomination for the position of Agency for International Development, Bureau for Asia and the Near East, received on December 30, 2003; to the Committee on Governmental Affairs.

EC-5747. A communication from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC-5748. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Office's Annual Report to Congress on Veterans' Employment in the Federal Government for Fiscal Year 2002; to the Committee on Governmental Affairs.

EC-5749. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC-5750. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC-5751. A communication from the Office of Personnel Management, The President's Pay Agent, transmitting, pursuant to law, a report relative to justifying the reasons for the extension of locality-based comparability payments to categories of positions that are in more than one executive agency; to the Committee on Governmental Affairs.

EC-5752. A communication from the Inspector General, Railroad Retirement Board,



transmitting, pursuant to law, the Board's report for the period from April 1, 2003 through September 30, 2003; to the Committee on Governmental Affairs.

EC-5753. A communication from the Architect of the Capitol, transmitting, pursuant to law, a report of all expenditures during the period October 1, 2002 through March 31, 2003; to the Committee on Governmental Affairs.

EC-5754. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Report of the Office of Inspector General for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC-5755. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Redefinition of the San Francisco, CA, Non-appropriated Fund Wage Area" (RIN3206-AK26) received on December 8, 2003; to the Committee on Governmental Affairs.

EC-5756. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report relative to the Audit of the Advisory Neighborhood Commission; to the Committee on Governmental Affairs.

EC-5757. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Rural Health Clinics; Amendments to Participation Requirements and Payment Provisions, and Establishment of a Quality Assessment and Improvement Program" (RIN0938-AJ17) received on January 5, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-5758. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Scientific Peer Review of Research Grant Applications and Research and Development Contract Projects" received on January 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-5759. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "National Institutes of Health Center Grants" (RIN0925-AA24) received on January 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-5760. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Smallpox Vaccine Injury Compensation Program: Administrative Implementation" (RIN0906-AA60) received on January 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-5761. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Tax Refund Offset" received on January 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-5762. A communication from the Human Resources Specialist, Department of Labor, transmitting, pursuant to law, the report of a nomination for the position of Deputy Secretary of Labor, received on December 15, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-5763. A communication from the Deputy White House Liaison, Department of Education, transmitting, pursuant to law, the report of a designation of acting officer for the position of Assistant Secretary, Office of Vocational and Adult Education, Department of Education, received on January

5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-5764. A communication from the Deputy White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary, Office of Vocational and Adult Education, Department of Education, received on January 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-5765. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the first report on Theft, Loss, or Release of Select Agents and Toxins; to the Committee on Health, Education, Labor, and Pensions.

EC-5766. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted in Feed and Drinking Water of Animals; Formaldehyde" (Doc. No. 1998F-0522) received on January 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-5767. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on January 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-5768. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Rules for Filings, Issuances, Computation of Time, and Electronic Means of Record Retention" received on January 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-5769. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Public Information Regulations; Correction" (Doc. No. 1999N-2637) received on January 5, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-5770. A communication from the Director, Office of Workers' Compensation Programs, Employment Standards Administration, transmitting, pursuant to law, the report of a rule entitled "Regulations Implementing the Federal Coal Mine Health and Safety Act of 1969" (RIN1215-AB40) received on December 15, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-5771. A communication from the Assistant Secretary, Veterans' Employment and Training Service, Department of Labor, transmitting, pursuant to law, the report of a designation of an acting officer for the position of Assistant Secretary, Veterans' Employment and Training Service, received on December 30, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-5772. A communication from the Assistant Secretary, Veterans' Employment and Training Service, Department of Labor, transmitting, pursuant to law, the report of a designation of acting officer for the position of Assistant Secretary, Disability Employment Policy, received on December 30, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-5773. A communication from the Assistant Secretary, Veterans' Employment and Training Service, Department of Labor, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary, Disability Employment Policy,

received on December 30, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-5774. A communication from the Assistant Secretary, Veterans' Employment and Training Service, Department of Labor, transmitting, pursuant to law, the report of a nomination for the position of Chief Financial Officer, Department of Labor, received on December 30, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-5775. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the National Advisory Committee on Institutional Quality and Integrity for Fiscal Year 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-5776. A communication from the Secretary of Education, transmitting, pursuant to law, a report relative to the President's Commission on Excellence in Special Education; to the Committee on Health, Education, Labor, and Pensions.

EC-5777. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, two reports entitled "The National Healthcare Quality Report" and "The National Healthcare Disabilities Report"; to the Committee on Health, Education, Labor, and Pensions.

EC-5778. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a designation of acting officer for the position of Assistant Secretary for Public Health and Science, Department of Health and Human Services, received on December 18, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-5779. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Public Health and Science, Department of Health and Human Services, received on December 18, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-5780. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Budget, Technology, and Finance, Department of Health and Human Services, received on December 18, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-5781. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a nomination rejected, withdrawn, or returned for the position of Assistant Secretary for Budget, Technology, and Finance, Department of Health and Human Services, received on December 18, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-5782. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a discontinuation of service in acting role for the position of Assistant Secretary for Public Health and Science, Department of Health and Human Services, received on December 18, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-5783. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Legislation, Department of Health and Human Services, received on December 18, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-5784. A communication from the White House Liaison, Department of Health and

Human Services, transmitting, pursuant to law, the report of a discontinuation of service in acting role for the position of Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, received on December 18, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-5785. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a designation of acting officer for the position of Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, received on December 18, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-5786. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, received on December 18, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-5787. A communication from the Principal Deputy Assistant Secretary, Office of the Secretary, Department of the Interior, transmitting, pursuant to law, a report relative to Indian Tribal Judgment Funds to be distributed to the Mescalero Apache Tribe; to the Committee on Indian Affairs.

EC-5788. A communication from the Chairman, National Indian Gaming Commission, transmitting, a draft bill relative to the Indian Gaming Regulatory Act of 1988; to the Committee on Indian Affairs.

EC-5789. A communication from the Rules Administrator, Office of General Counsel, Federal Bureau of Prisons, transmitting, pursuant to law, the report of a rule entitled "Occupational Education Programs Final Rule" (68 FR 65169) received on January 5, 2004; to the Committee on the Judiciary.

EC-5790. A communication from the Secretary, Judicial Conference of the United States, transmitting, a draft bill entitled the "Judicial Reporting Improvement Act"; to the Committee on the Judiciary.

EC-5791. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, transmitting, pursuant to law, the report of a rule entitled "Sale by Federal Departments or Agencies of Chemicals Which Could Be Used in the Illicit Manufacture of Controlled Substances" (RIN1117-AA47) received on December 8, 2003; to the Committee on the Judiciary.

EC-5792. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the 2002 Annual Report of the National Institute of Justice; to the Committee on the Judiciary.

EC-5793. A communication from the Deputy General Counsel, Small Business Administration, Office of Size Standards, transmitting, pursuant to law, the report of a rule entitled "Small Business Size Standards; Facilities Support Services (Including Base Maintenance)" (RIN3245-AF03) received on December 8, 2003; to the Committee on Small Business and Entrepreneurship.

EC-5794. A communication from the Deputy General Counsel, Office of Government Contracting and Business Development, transmitting, pursuant to law, the report of a rule entitled "Small Business Government Contracting Programs" (RIN3245-AF07) received on December 8, 2003; to the Committee on Small Business and Entrepreneurship.

EC-5795. A communication from the Deputy General Counsel, Office of Hearings and Appeals, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Information

Regulations" (RIN3245-AE94) received on December 8, 2003; to the Committee on Small Business and Entrepreneurship.

EC-5796. A communication from the Director, Regulations Management, Office of Regulation Policy and Management, Veterans' Health Administration, transmitting, pursuant to law, the report of a rule entitled "Reasonable Charges for Medical Care or Services 2003 Methodology Changes" (RIN2900-AL06) received on December 15, 2003; to the Committee on Veterans' Affairs.

EC-5797. A communication from the Director, Regulations Management, Office of Regulation Policy and Management, Veterans' Health Administration, transmitting, pursuant to law, the report of a rule entitled "Charges Used for Recovery from Tortiously Liable Third Parties for Medical Care or Services Provided by the Department of Veterans' Affairs" (RIN2900-AL48) received on December 15, 2003; to the Committee on Veterans' Affairs.

EC-5798. A communication from the Director, Regulations Management, Office of Regulation Policy and Management, Veterans' Health Administration, transmitting, pursuant to law, the report of a rule entitled "Board of Veterans' Appeals: Rules of Practice; Use of Supplemental Statement of the Case" (RIN2900-AL42) received on December 15, 2003; to the Committee on Veterans' Affairs.

EC-5799. A communication from the Chair, Office of the General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Travel on Behalf of Candidates and Political Committees" received on December 10, 2003; to the Committee on Rules and Administration.

EC-5800. A communication from the Chair, Office of the General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Travel on Behalf of Candidates and Political Committees" received on December 10, 2003; to the Committee on Rules and Administration.

EC-5801. A communication from the Chair, Office of the General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files" (Notice 2003-25) received on December 10, 2003; to the Committee on Rules and Administration.

EC-5802. A communication from the Chair, Office of the General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files" (Notice 2003-25) received on December 10, 2003; to the Committee on Rules and Administration.

EC-5803. A communication from the Public Printer, Government Printing Office, transmitting, pursuant to law, the Annual Report of the Government Printing Office for Fiscal Year 2003; to the Committee on Rules and Administration.

#### REPORTS OF COMMITTEES

Under the authority of the order of the Senate of December 9, 2003, the following reports of committees were submitted on January 9, 2004:

By Mr. GREGG, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. 2005. An original bill to temporarily replace the use by pension plans of the 30-year treasury bond rate with a composite corporate rate, and to establish a commission on defined benefit plans (Rept. No. 108-221).

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1072. A bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes (Rept. No. 108-222).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KENNEDY (for himself, Mr. DASCHLE, Mrs. CLINTON, Mrs. MURRAY, Ms. CANTWELL, Mr. DURBIN, Mr. SARBANES, Mr. LEVIN, Mr. BINGAMAN, Mr. DODD, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. SCHUMER, Mr. HARKIN, Mr. REED, Mr. LEAHY, and Mr. DAYTON):

S. 2006. A bill to extend and expand the Temporary Extended Unemployment Compensation Act of 2003, and for other purposes; read the first time.

By Mr. DURBIN (for himself and Mr. AKAKA):

S. 2007. A bill to provide better protection against bovine spongiform encephalopathy and other prion diseases; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SPECTER:

S. 2008. A bill to amend the Animal Health Protection Act to direct the Secretary of Agriculture to establish an electronic nationwide livestock identification system, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SMITH:

S. 2009. A bill to amend the Endangered Species Act of 1973 to require the Secretary of the Interior to give greater weight to scientific or commercial data that is empirical or has been field-tested or peer-reviewed, and for other purposes; to the Committee on Environment and Public Works.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Mr. CARPER, Mr. FRIST, Mr. DASCHLE, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Ms. CANTWELL, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. GRAHAM of Florida, Mr. GRAHAM of South Carolina, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HOLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MILLER, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. NICKLES, Mr. PRYOR, Mr. REED, Mr. REID, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORUM,

Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN):

S. Res. 284. A resolution commemorating the life of William V. Roth, Jr., former member of the United States Senate from the State of Delaware; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 253

At the request of Mr. LEAHY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 384

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 384, a bill to amend the Internal Revenue Code of 1986 to prevent corporate expatriation to avoid United States income taxes.

S. 423

At the request of Ms. COLLINS, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 423, a bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities.

S. 623

At the request of Mr. WARNER, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 623, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 640

At the request of Mr. LEAHY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 640, a bill to amend subchapter III of chapter 83 and chapter 84 of title 5, United States Code, to include Federal prosecutors within the definition of a law enforcement officer, and for other purposes.

S. 683

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 683, a bill to amend the Family and Medical Leave Act of 1993 to provide entitlement to leave to eligible employees whose spouse, son, daughter, or parent is a member of the Armed Forces serving on active duty in support of a contingency operation or notified of an impending call or order to active duty in support of a contingency operation.

S. 698

At the request of Mr. BUNNING, the names of the Senator from Utah (Mr.

HATCH) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 698, a bill to clarify the status of the Young Men's Christian Association Retirement Fund for purposes of the Internal Revenue Code of 1986.

S. 806

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 806, a bill to improve the benefits and protections provided for regular and reserve members of the Armed Forces deployed or mobilized in the interests of the national security of the United States.

S. 857

At the request of Mr. ROCKEFELLER, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 857, a bill to amend the Internal Revenue Code of 1986 to provide a tax incentive to individuals teaching in elementary and secondary schools located in rural or high unemployment areas and to individuals who achieve certification from the National Board for Professional Teaching Standards, and for other purposes.

S. 874

At the request of Mr. TALENT, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 874, a bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes.

S. 976

At the request of Mr. WARNER, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Louisiana (Mr. BREAUX) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 983

At the request of Mr. CHAFEE, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 983, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 1035

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1035, a bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for non-regular service from 60 to 55.

S. 1086

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1086, a bill to repeal provi-

sions of the PROTECT Act that do not specifically deal with the prevention of the exploitation of children.

S. 1105

At the request of Mr. BOND, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 1105, a bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, and for other purposes.

S. 1120

At the request of Mr. BAUCUS, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1120, a bill to establish an Office of Trade Adjustment Assistance, and for other purposes.

S. 1217

At the request of Mr. ENZI, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1217, a bill to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls.

S. 1218

At the request of Mr. HOLLINGS, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1218, a bill to provide for Presidential support and coordination of interagency ocean science programs and development and coordination of a comprehensive and integrated United States research and monitoring program.

S. 1298

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1298, a bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1333

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1333, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers.

S. 1379

At the request of Mr. JOHNSON, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1398

At the request of Mr. DEWINE, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 1398, a bill to provide for the environmental restoration of the Great Lakes.

S. 1414

At the request of Mr. HATCH, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1414, a bill to restore second amendment rights in the District of Columbia.

S. 1645

At the request of Mr. CRAIG, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1645, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 1700

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1700, a bill to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

S. 1703

At the request of Mr. SMITH, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1703, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax for expenditures for the maintenance of railroad tracks of Class II and Class III railroads.

S. 1709

At the request of Mr. CRAIG, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1709, a bill to amend the USA PATRIOT ACT to place reasonable limitations on the use of surveillance and the issuance of search warrants, and for other purposes.

S. 1762

At the request of Mr. CRAIG, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1762, a bill to amend title II of the social Security Act to eliminate the five-month waiting period in the disability insurance program, and for other purposes.

S. 1801

At the request of Mrs. MURRAY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1801, a bill to promote the economic security and safety of victims of domestic and sexual violence, and for other purposes.

S. 1851

At the request of Ms. MURKOWSKI, the names of the Senator from North Da-

kota (Mr. DORGAN) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1851, a bill to raise the minimum state allocation under section 217(b)(2) of the Cranston-Gonzalez National Affordable Housing Act.

S. 1998

At the request of Mr. BINGAMAN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 1998, a bill to amend title 49, United States Code, to preserve the essential air service program.

S. 1999

At the request of Mr. DASCHLE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1999, a bill to amend part D of title XVIII of the Social Security Act, as added by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, to provide for negotiation of fair prices for medicare prescription drugs.

S. RES. 202

At the request of Mr. CAMPBELL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 202, a resolution expressing the sense of the Senate regarding the genocidal Ukraine Famine of 1932-33.

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. Res. 202, *supra*.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mr. AKAKA):

S. 2007. A bill to provide better protection against bovine spongiform encephalopathy and other prion diseases; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. Mr. President, today I am introducing legislation that would strengthen consumer confidence in the safety of our nation's beef supply while expanding our understanding of the many prion diseases that affect both humans and animals. This bill, known as the BSE and Other Prion Disease Prevention and Public Health Protection Act codifies some of USDA's recent steps, requires more aggressive testing of older cattle and expands surveillance for Chronic Wasting Disease (CWD) in deer and elk and Creutzfeldt-Jacob disease (CJD) in people.

Our country has been blessed with the safest and most abundant food supply in the world, but we can do better. The events surrounding the diagnosis of the first Mad Cow case in Washington State demonstrate that improvements are possible. Had the provisions of my bill been in place in early December, the animal would never have been allowed to enter both the human food supply and the consumer product system and contaminate 2.8 million pounds of products.

Currently, only 20,000 out of 35 million cattle presented for processing are

tested for BSE. How many cattle in America have BSE? We are hopeful that there was only this one isolated case but the truth is that we don't know because we test so few animals. Answering that question today is similar to trying to estimate the prevalence of HIV infection in people by only testing individuals who have symptoms of AIDS. At the current level of testing, we have no real estimate of the true prevalence rate of BSE in our country.

A similar situation exists with respect to CWD, in deer and elk, or CJD in humans. The bill that I am introducing provides for more testing of all ruminants intended for human consumption as well as expanded surveillance for the human prion diseases.

Better surveillance: The bill requires the use of rapid BSE tests for all cattle and bison over 30 months of age and for all sheep, goats, deer and elk over 12 months of age. Rapid tests can provide results the same day that they are taken instead of the current five to seven days. Although most sampling and testing for BSE will occur through USDA inspectors at slaughterhouses, the bill also provides for on-farm sampling of non-ambulatory animals. In addition, all ruminants of any age exhibiting neurological symptoms would be tested.

All tested animals would be held until the results of the test are known rather than being released into the food supply and consumer product system, as was the case in Washington. An expensive and time-consuming recall of products would be avoided.

The bill also requires the development of a mandatory ruminant identification program to allow for trace back of diseased animals to their farm of origin within 48 hrs after diagnosis. This is significant not only for BSE but for other reportable illnesses such as brucellosis, tuberculosis and foot and mouth disease.

There are also provisions that require expanded coordination of testing for CWD in farm-raised and wild deer and elk. To support expanded ruminant testing for prion diseases, the bill calls for the expansion of the national animal health laboratory network to include state and university veterinary diagnostic laboratories.

Similarly, the bill expands the sampling of suspected cases of human CJD through the National Prion Disease Pathology Research Center at Case Western Reserve University.

Targeting Risk Materials: The bill updates and expands the definition of BSE specified risk materials and bans the use of such materials from cattle over 30 months of age for any use.

Importation of ruminant-based products: The bill expands the list of ruminant derived products that must be labeled for contents and country of origin and bans imported products containing ruminant-derived materials from countries identified as at-risk for BSE transmission.

Feed Ban: The bill closes loopholes in the USDA rules on recycling pet food and poultry litter back into ruminant feed. The legislation requires FDA to develop a database for handlers of livestock, renderers and feed mills and feed blenders.

We currently have only a limited understanding of prions and the diseases that they cause. To understand how these significant and challenging misfolded bits of protein can affect us, we need better data. We need data on which to base sound policy for our public health, for our animal health and for the safety of our food supply.

While we are accumulating that data, we need to take every reasonable step to ensure that we do not introduce infective material through importation or through feeding our ruminant animals contaminated feed. An expanded testing program will demonstrate to our trading partners that they have nothing to fear in buying our meat products.

I urge my colleagues to join me in this effort to strengthen consumer confidence in the safety of our food supply. The BSE and Other Prion Disease Prevention and Public Health Protection Act can provide the public with the confidence that our beef and venison is safe to eat and can assure our trading partners that we are aggressively addressing BSE surveillance in the United States.

By Mr. SPECTER:

S. 2008. A bill to amend the Animal Health Protection Act to direct the Secretary of Agriculture to establish an electronic nationwide livestock identification system, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SPECTER. Mr. President, I am now introducing legislation identified as the National Farm Animal Identification Records Act on behalf of Senator LEAHY and myself.

Less than a month ago, on December 25, a case of mad cow disease was diagnosed in a single nonambulatory dairy cow that was slaughtered in Washington State. This cow belonged to a herd of some 82 dairy cows which were cleared for clearance in the United States in 2002. This case of mad cow disease has caused quite an alarm, with enormous impact on the industry for providing meats in the United States. It has caused a lot of concern throughout the country.

This legislation is directed to having an identification system, an electronic nationwide livestock identification system which will enable the Federal Government, the Department of Agriculture, to identify animals. There is a chip in the animal's ear and it will be possible to identify the animals and where they came from so that in the event there is any diagnosis of mad cow disease, there will be a way to deal with it and to prevent its spread and provide public confidence that the meat is not infected with mad cow disease.

This disease has had a very major impact on the livestock industry, touching Pennsylvania, my State, as well as many other States in the country. This is a salutary, preventive legislation.

I ask unanimous consent a full copy of the text be printed in the CONGRESSIONAL RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2008

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Farm Animal Identification and Records Act".

#### SEC. 2. NATIONWIDE LIVESTOCK IDENTIFICATION SYSTEM; REVIEW OF USDA RESPONSES TO OUTBREAKS OF DISEASE IN LIVESTOCK.

Section 10411 of the Animal Health Protection Act (7 U.S.C. 8310) is amended by adding at the end the following:

"(f) NATIONWIDE LIVESTOCK IDENTIFICATION SYSTEM.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall establish an electronic nationwide livestock identification system for the identification of individual animals to enhance the speed and accuracy of the response of the Department of Agriculture to outbreaks of disease in livestock.

"(2) CAPABILITIES.—The livestock identification system shall be capable of tracing, within 48 hours, an individual animal from birth to slaughter.

"(3) PARTICIPATION BY STATES.—The States shall provide information for inclusion in, and shall have access to, the livestock identification system.

"(4) USE OF EXISTING TECHNOLOGY.—The Secretary may use technology developed by private entities before the date of enactment of this subsection to operate the livestock identification system.

"(5) FINANCIAL ASSISTANCE.—The Secretary may provide financial assistance to producers to assist the producers in complying with the livestock identification system.

"(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection for fiscal year 2004 \$50,000,000, of which \$25,000,000 shall be available to carry out paragraph (5).

"(g) REVIEW OF RESPONSES TO OUTBREAKS OF DISEASE.—The Secretary may appoint an international panel of scientific experts to provide an objective review of a response by the Department of Agriculture to an outbreak of disease in livestock and identify areas for improvements in such responses."

Mr. LEAHY. Mr. President, I am pleased to introduce the National Farm Animal Identification and Records Act or the FAIR Act, with my friend and colleague Senator SPECTER. This legislation would establish a uniform national electronic animal identification program to trace animals from birth to slaughter, within 48 hours, in order to combat animal disease outbreaks.

As the recent discovery of a cow infected with bovine spongiform encephalopathy, BSE, or mad cow disease, in Washington State demonstrated, a verifiable nationwide animal identification system is urgently needed to enhance the speed and accu-

racy of USDA's response to disease outbreaks. Unfortunately to date only, 23 of the 81 cows that came from Canada with the infected mad cow have been able to be located because of inadequate records. The National Farm Animal Identification and Records Act FAIR Act would require the Department of Agriculture to establish a national animal identification program for individual animals that could trace an animal's history within 48 hours.

As a senior member of the Senate Agriculture, Nutrition and Forestry Committee, I have long advocated for the establishment of a national animal identification system. For the last 5 years I have worked with the Holstein Association in Brattleboro, Vermont to begin the process of creating a national animal identification program. The Holstein Association's pilot program, a precursor to this national animal identification program legislation, electronically identifies individual animals and tracks their movements from birth to slaughter within 48 hours. To date Holstein's pilot program has close to a million bovines enrolled from over 7000 farms in 42 States and has proven its electronic animal tracking capabilities.

The Holstein project demonstrates electronically tracing individual animals immediately is achievable. The technology and expertise developed by the Holstein Association is a prime example of how the Department could immediately begin tracking individual newborn animals electronically with a system similar to National FAIR. The Holstein Association could be an important partner with USDA in reducing the impact of future animal diseases.

I would also like to applaud Secretary Veneman's announcement last month of additional mad cow safeguards, including moving toward a national animal identification system. I believe this was a positive step toward protecting American farmers and consumers. Unfortunately USDA's current plans do not call for individual animal identification to be completed until mid 2006. The FAIR Act would require the Department to begin implementation of a national system within months of passage. In addition, it is clear USDA will need additional resources to carry out a national animal identification program, thus our legislation will provide additional funding for USDA to begin this work immediately. Furthermore to ensure producers are not hurt by the potential costs of a national system, our bill will provide financial assistance for producers to carry out a national identification system.

It is time for the United States to take serious steps to combat animal diseases, like BSE, that have broad public health implications for our Nation. A national animal identification program is long overdue. I urge my colleagues to support this important legislation.

By Mr. SMITH:

S. 2009. A bill to amend the Endangered Species Act of 1973 to require the Secretary of the Interior to give greater weight to scientific or commercial data that is empirical or has been field-tested or peer-reviewed, and for other purposes; to the Committee on Environment and Public Works.

Mr. SMITH. Mr. President, today as my first legislative action of the new session, I am introducing important legislation that would require a higher standard for the science used in administering the Endangered Species Act. The Sound Science for Endangered Species Act Planning Act of 2004 would require independent scientific peer review of certain actions taken by the regulatory agencies under the Endangered Species Act. In addition, it would require the Secretary of the Interior and the Secretary of Commerce to give greater weight to scientific or commercial data that is empirical or has been field-tested or peer-reviewed.

In recent years, we in the northwest have experienced a number of situations in which Federal agency scientists either demanded actions not supported by scientific data, or actually fabricated the data itself. In December 2001, it was revealed that Federal employees had submitted hairs from a captive Canada lynx as though they had been recovered during field surveys in several national forests to determine the range and habitat of this threatened species.

It was also revealed in an Oregon newspaper that a Forest Service biologist criticized his own agency for shoddy work. This employee called into question much of the information collected over 18 years on one national forest, claiming that determinations for projects were based on sketchy information that was not accomplished according to protocol, or not collected at all. Rather than denying these charges, the Forest Service acknowledged that they had some validity, and launched an investigation.

The most egregious example of decisions not based on scientific evidence, however, occurred in the Klamath Basin in 2001. As many of you may recall, I have come to the floor of the Senate on many occasions over the last several years to plead the case of the farmers and ranchers in the Klamath Basin. In 2001, field-level biologists with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service developed two separate biological opinions on the operation of the Klamath Project, as it related to suckers and coho salmon, respectively.

Taken together, these two biological opinions sought to both raise the lake of level of Upper Klamath Lake and increase flows in the Klamath River, at the time the basin was experiencing a severe drought. On April 6, 2001, the Bureau of Reclamation announced that the agency would deliver no water to most of the agricultural lands that had received irrigation water from the Federal project for almost 100 years.

I cannot begin to describe the human toll that these biological opinions exacted on the farmers and ranchers in the Klamath Basin. Those who still have their farms lost most of their farm income that year. Many depleted their life savings just to hold onto their land. Ranchers were forced to sell off livestock herds that year. Stable farm worker communities were decimated as families moved to find work.

The real tragedy is that none of this had to occur. Late last year, scientists with the National Research Council found that the two key decisions regarding the operation of the Klamath Project that deprived farmers of their water lacked "substantial scientific support."

This situation should never be repeated. Decisions of this magnitude under the Endangered Species Act must be peer reviewed, and some standard for the science used in these decisions must be established.

I was in Klamath Falls the day after the decision was made to cut off water to the farmers. I will never forget the anguish on the faces of the people I met with that day. Many were World War II veterans who received homesteads in this Basin after the war or their children, none of whom could believe that this action was being taken by a government "of the people, for the people, and by the people."

Our constituents deserve better from their Government. They will get it if this bill is enacted. There is an identical bill in the House that has bipartisan support, and 63 cosponsors. I urge my colleagues to join me in cosponsoring this reasonable bill to help restore sound science to agency decision-making.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 284—COMMEMORATING THE LIFE OF WILLIAM V. ROTH, JR., FORMER MEMBER OF THE UNITED STATES SENATE FROM THE STATE OF DELAWARE

Mr. BIDEN (for himself, Mr. CARPER, Mr. FRIST, Mr. DASCHLE, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Ms. CANTWELL, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. GRAHAM of Florida, Mr. GRAHAM of South Carolina, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HOLLINGS, Mrs.

HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MILLER, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. NICKLES, Mr. PRYOR, Mr. REED, Mr. REID, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

#### S. RES. 284

Whereas William V. Roth, Jr. was born on July 22, 1921 in Great Falls, Montana, was raised in Helena, Montana, graduated from the University of Oregon, and earned law and business degrees from Harvard University;

Whereas William V. Roth, Jr. was decorated with a Bronze Star for meritorious service with Army military intelligence in the South Pacific during World War II;

Whereas William V. Roth, Jr. moved to Delaware in 1955 and resided in Delaware until his death;

Whereas William V. Roth, Jr. was elected to the House of Representatives in 1966, and served the State of Delaware with distinction until his election to the United States Senate in 1970;

Whereas William V. Roth, Jr. continued to serve the State of Delaware and the United States in the Senate from 1971 to 2001, where he personified the title "Honorable";

Whereas William V. Roth, Jr. championed tax and savings reforms and deficit reduction as Chairman and a member of the Senate Committee on Finance;

Whereas William V. Roth, Jr. worked tirelessly to control government spending as Chairman and a member of the Senate Committee on Governmental Affairs and to shape foreign policy as president of the North Atlantic Treaty Organization (NATO) Parliament Assembly and chairman of the Senate NATO Observer Group;

Whereas William V. Roth, Jr. was a man of integrity, decency, and character who was committed to his family and to the people of Delaware; and

Whereas William V. Roth, Jr. was a trusted friend and colleague and a dedicated public servant: Now, therefore, be it

*Resolved*, That—

(1) the Senate has learned with profound sorrow and deep regret of the death of the Honorable William V. Roth, Jr., formerly a Senator from the State of Delaware;

(2) the Secretary of the Senate shall communicate this resolution to the House of Representatives and transmit an enrolled copy of this resolution to the family of William V. Roth, Jr.; and

(3) upon adjournment today, the Senate shall stand adjourned as a further mark of respect to the memory of William V. Roth, Jr.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2232. Mr. GRASSLEY (for himself, Mr. HATCH, Mr. LUGAR, Mr. MILLER, and Mr. SPECTER) submitted an amendment intended to be proposed by him to the bill S. 274, to

amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table.

### TEXT OF AMENDMENTS

**SA 2232.** Mr. GRASSLEY (for himself, Mr. HATCH, Mr. LUGAR, Mr. MILLER, and Mr. SPECTER) submitted an amendment intended to be proposed by him to the bill S. 274, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE; REFERENCE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Class Action Fairness Act of 2003”.

(b) **REFERENCE.**—Whenever in this Act reference is made to an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 28, United States Code.

(c) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; reference; table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Consumer class action bill of rights and improved procedures for interstate class actions.
- Sec. 4. Federal district court jurisdiction for interstate class actions.
- Sec. 5. Removal of interstate class actions to Federal district court.
- Sec. 6. Report on class action settlements.
- Sec. 7. Enactment of Judicial Conference recommendations.
- Sec. 8. Rulemaking authority of Supreme Court and Judicial Conference.
- Sec. 9. Effective date.

#### SEC. 2. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—Congress finds the following:

(1) Class action lawsuits are an important and valuable part of the legal system when they permit the fair and efficient resolution of legitimate claims of numerous parties by allowing the claims to be aggregated into a single action against a defendant that has allegedly caused harm.

(2) Over the past decade, there have been abuses of the class action device that have—

(A) harmed class members with legitimate claims and defendants that have acted responsibly;

(B) adversely affected interstate commerce; and

(C) undermined public respect for our judicial system.

(3) Class members often receive little or no benefit from class actions, and are sometimes harmed, such as where—

(A) counsel are awarded large fees, while leaving class members with coupons or other awards of little or no value;

(B) unjustified awards are made to certain plaintiffs at the expense of other class members; and

(C) confusing notices are published that prevent class members from being able to fully understand and effectively exercise their rights.

(4) Abuses in class actions undermine the national judicial system, the free flow of interstate commerce, and the concept of diversity jurisdiction as intended by the fram-

ers of the United States Constitution, in that State and local courts are—

(A) keeping cases of national importance out of Federal court;

(B) sometimes acting in ways that demonstrate bias against out-of-State defendants; and

(C) making judgments that impose their view of the law on other States and bind the rights of the residents of those States.

(b) **PURPOSES.**—The purposes of this Act are to—

(1) assure fair and prompt recoveries for class members with legitimate claims;

(2) restore the intent of the framers of the United States Constitution by providing for Federal court consideration of interstate cases of national importance under diversity jurisdiction; and

(3) benefit society by encouraging innovation and lowering consumer prices.

#### SEC. 3. CONSUMER CLASS ACTION BILL OF RIGHTS AND IMPROVED PROCEDURES FOR INTERSTATE CLASS ACTIONS.

(a) **IN GENERAL.**—Part V is amended by inserting after chapter 113 the following:

##### “CHAPTER 114—CLASS ACTIONS

“Sec.

“1711. Definitions.

“1712. Coupon settlements.

“1713. Protection against loss by class members.

“1714. Protection against discrimination based on geographic location.

“1715. Notifications to appropriate Federal and State officials.

##### “§ 1711. Definitions

“In this chapter:

“(1) **CLASS.**—The term ‘class’ means all of the class members in a class action.

“(2) **CLASS ACTION.**—The term ‘class action’ means any civil action filed in a district court of the United States under rule 23 of the Federal Rules of Civil Procedure or any civil action that is removed to a district court of the United States that was originally filed under a State statute or rule of judicial procedure authorizing an action to be brought by 1 or more representatives as a class action.

“(3) **CLASS COUNSEL.**—The term ‘class counsel’ means the persons who serve as the attorneys for the class members in a proposed or certified class action.

“(4) **CLASS MEMBERS.**—The term ‘class members’ means the persons (named or unnamed) who fall within the definition of the proposed or certified class in a class action.

“(5) **PLAINTIFF CLASS ACTION.**—The term ‘plaintiff class action’ means a class action in which class members are plaintiffs.

“(6) **PROPOSED SETTLEMENT.**—The term ‘proposed settlement’ means an agreement regarding a class action that is subject to court approval and that, if approved, would be binding on some or all class members.

##### “§ 1712. Coupon Settlements.

“(a) **CONTINGENT FEES IN COUPON SETTLEMENTS.**—If a proposed settlement in a class action provides for a recovery of coupons to a class member, the portion of any attorney’s fee award to class counsel that is attributable to the award of the coupons shall be based on the value to class members of the coupons that are redeemed.

“(b) **OTHER ATTORNEY’S FEE AWARDS IN COUPON SETTLEMENTS.**—

“(1) **IN GENERAL.**—If a proposed settlement in a class action provides for a recovery of coupons to class members, and a portion of the recovery of the coupons is not used to determine the attorney’s fee to be paid to class counsel, any attorney’s fee award shall be based upon the amount of time class counsel reasonably expended working on the action.

“(2) **COURT APPROVAL.**—Any attorney’s fee under this subsection shall be subject to approval by the court and shall include an appropriate attorney’s fee, if any, for obtaining equitable relief, including an injunction, if applicable. Nothing in this subsection shall be construed to prohibit application of a lodestar with a multiplier method of determining attorney’s fees.

“(c) **ATTORNEY’S FEE AWARDS CALCULATED ON A MIXED BASIS IN COUPON SETTLEMENTS.**—If a proposed settlement in a class action provides for an award of coupons to class members and also provides for equitable relief, including injunctive relief—

“(1) that portion of the attorney’s fee to be paid to class counsel that is based upon a portion of the recovery of the coupons shall be calculated in accordance with subsection (a); and

“(2) that portion of the attorney’s fee to be paid to class counsel that is not based upon a portion of the recovery of the coupons shall be calculated in accordance with subsection (b).

“(d) **SETTLEMENT VALUATION EXPERTISE.**—In a class action involving the awarding of coupons, the court may, in its discretion upon the motion of a party, receive expert testimony from a witness qualified to provide information on the actual value to the class members of the coupons that are redeemed.

“(e) **JUDICIAL SCRUTINY OF COUPON SETTLEMENTS.**—In a proposed settlement under which class members would be awarded coupons, the court may approve the proposed settlement only after a hearing to determine whether, and making a written finding that, the settlement is fair, reasonable, and adequate for class members. The court, in its discretion, may also require that a proposed settlement agreement provide for the distribution of a portion of the value of unclaimed coupons to 1 or more charitable or governmental organizations, as agreed to by the parties. The distribution and redemption of any proceeds under this subsection shall not be used to calculate attorneys’ fees under this section.

##### “§ 1713. Protection against loss by class members

“The court may approve a proposed settlement under which any class member is obligated to pay sums to class counsel that would result in a net loss to the class member only if the court makes a written finding that nonmonetary benefits to the class member substantially outweigh the monetary loss.

##### “§ 1714. Protection against discrimination based on geographic location

“The court may not approve a proposed settlement that provides for the payment of greater sums to some class members than to others solely on the basis that the class members to whom the greater sums are to be paid are located in closer geographic proximity to the court.

##### “§ 1715. Notifications to appropriate Federal and State officials

“(a) **DEFINITIONS.**—

“(1) **APPROPRIATE FEDERAL OFFICIAL.**—In this section, the term ‘appropriate Federal official’ means—

“(A) the Attorney General of the United States; or

“(B) in any case in which the defendant is a Federal depository institution, a State depository institution, a depository institution holding company, a foreign bank, or a non-depository institution subsidiary of the foregoing (as such terms are defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), the person who has the primary Federal regulatory or supervisory responsibility with respect to the defendant, if some



or all of the matters alleged in the class action are subject to regulation or supervision by that person.

“(2) APPROPRIATE STATE OFFICIAL.—In this section, the term ‘appropriate State official’ means the person in the State who has the primary regulatory or supervisory responsibility with respect to the defendant, or who licenses or otherwise authorizes the defendant to conduct business in the State, if some or all of the matters alleged in the class action are subject to regulation by that person. If there is no primary regulator, supervisor, or licensing authority, or the matters alleged in the class action are not subject to regulation or supervision by that person, then the appropriate State official shall be the State attorney general.

“(b) IN GENERAL.—Not later than 10 days after a proposed settlement of a class action is filed in court, each defendant that is participating in the proposed settlement shall serve upon the appropriate State official of each State in which a class member resides and the appropriate Federal official, a notice of the proposed settlement consisting of—

“(1) a copy of the complaint and any materials filed with the complaint and any amended complaints (except such materials shall not be required to be served if such materials are made electronically available through the Internet and such service includes notice of how to electronically access such material);

“(2) notice of any scheduled judicial hearing in the class action;

“(3) any proposed or final notification to class members of—

“(A)(i) the members’ rights to request exclusion from the class action; or

“(ii) if no right to request exclusion exists, a statement that no such right exists; and

“(B) a proposed settlement of a class action;

“(4) any proposed or final class action settlement;

“(5) any settlement or other agreement contemporaneously made between class counsel and counsel for the defendants;

“(6) any final judgment or notice of dismissal;

“(7)(A) if feasible, the names of class members who reside in each State and the estimated proportionate share of the claims of such members to the entire settlement to that State’s appropriate State official; or

“(B) if the provision of information under subparagraph (A) is not feasible, a reasonable estimate of the number of class members residing in each State and the estimated proportionate share of the claims of such members to the entire settlement; and

“(8) any written judicial opinion relating to the materials described under subparagraphs (3) through (6).

“(c) DEPOSITORY INSTITUTIONS NOTIFICATION.—

“(1) FEDERAL AND OTHER DEPOSITORY INSTITUTIONS.—In any case in which the defendant is a Federal depository institution, a depository institution holding company, a foreign bank, or a non-depository institution subsidiary of the foregoing, the notice requirements of this section are satisfied by serving the notice required under subsection (b) upon the person who has the primary Federal regulatory or supervisory responsibility with respect to the defendant, if some or all of the matters alleged in the class action are subject to regulation or supervision by that person.

“(2) STATE DEPOSITORY INSTITUTIONS.—In any case in which the defendant is a State depository institution (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), the notice requirements of this section are satisfied by serving the notice required under subsection

(b) upon the State bank supervisor (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) of the State in which the defendant is incorporated or chartered, if some or all of the matters alleged in the class action are subject to regulation or supervision by that person, and upon the appropriate Federal official.

“(d) FINAL APPROVAL.—An order giving final approval of a proposed settlement may not be issued earlier than 90 days after the later of the dates on which the appropriate Federal official and the appropriate State official are served with the notice required under subsection (b).

“(e) NONCOMPLIANCE IF NOTICE NOT PROVIDED.—

“(1) IN GENERAL.—A class member may refuse to comply with and may choose not to be bound by a settlement agreement or consent decree in a class action if the class member demonstrates that the notice required under subsection (b) has not been provided.

“(2) LIMITATION.—A class member may not refuse to comply with or to be bound by a settlement agreement or consent decree under paragraph (1) if the notice required under subsection (b) was directed to the appropriate Federal official and to either the State attorney general or the person that has primary regulatory, supervisory, or licensing authority over the defendant.

“(3) APPLICATION OF RIGHTS.—The rights created by this subsection shall apply only to class members or any person acting on a class member’s behalf, and shall not be construed to limit any other rights affecting a class member’s participation in the settlement.

“(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to expand the authority of, or impose any obligations, duties, or responsibilities upon, Federal or State officials.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part V is amended by inserting after the item relating to chapter 113 the following:

“114. Class Actions ..... 1711”.  
SEC. 4. FEDERAL DISTRICT COURT JURISDICTION FOR INTERSTATE CLASS ACTIONS.

(a) APPLICATION OF FEDERAL DIVERSITY JURISDICTION.—Section 1332 is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

“(d)(1) In this subsection—

“(A) the term ‘class’ means all of the class members in a class action;

“(B) the term ‘class action’ means any civil action filed under rule 23 of the Federal Rules of Civil Procedure or similar State statute or rule of judicial procedure authorizing an action to be brought by 1 or more representative persons as a class action;

“(C) the term ‘class certification order’ means an order issued by a court approving the treatment of some or all aspects of a civil action as a class action; and

“(D) the term ‘class members’ means the persons (named or unnamed) who fall within the definition of the proposed or certified class in a class action.

“(2) The district courts shall have original jurisdiction of any civil action in which the matter in controversy exceeds the sum or value of \$5,000,000, exclusive of interest and costs, and is a class action in which—

“(A) any member of a class of plaintiffs is a citizen of a State different from any defendant;

“(B) any member of a class of plaintiffs is a foreign state or a citizen or subject of a foreign state and any defendant is a citizen of a State; or

“(C) any member of a class of plaintiffs is a citizen of a State and any defendant is a foreign state or a citizen or subject of a foreign state.

“(3) A district court may, in the interests of justice and looking at the totality of the circumstances, decline to exercise jurisdiction under paragraph (2) over a class action in which greater than one-third but less than two-thirds of the members of all proposed plaintiff classes in the aggregate and the primary defendants are citizens of the State in which the action was originally filed based on consideration of—

“(A) whether the claims asserted involve matters of national or interstate interest;

“(B) whether the claims asserted will be governed by laws of the State in which the action was originally filed or by the laws of other States;

“(C) whether the class action has been pleaded in a manner that seeks to avoid Federal jurisdiction;

“(D) whether the action was brought in a forum with a distinct nexus with the class members, the alleged harm, or the defendants;

“(E) whether the number of citizens of the State in which the action was originally filed in all proposed plaintiff classes in the aggregate is substantially larger than the number of citizens from any other State, and the citizenship of the other members of the proposed class is dispersed among a substantial number of States; and

“(F) whether, during the 3-year period preceding the filing of that class action, 1 or more other class actions asserting the same or similar claims on behalf of the same or other persons have been filed.

“(4) A district court shall decline to exercise jurisdiction under paragraph (2)—

“(A)(i) over a class action in which—

“(I) greater than two-thirds of the members of all proposed plaintiff classes in the aggregate are citizens of the State in which the action was originally filed;

“(II) at least 1 defendant is a defendant—

“(aa) from whom significant relief is sought by members of the plaintiff class;

“(bb) whose alleged conduct forms a significant basis for the claims asserted by the proposed plaintiff class; and

“(cc) who is a citizen of the State in which the action was originally filed; and

“(III) principal injuries resulting from the alleged conduct or any related conduct of each defendant were incurred in the State in which the action was originally filed; and

“(ii) during the 3-year period preceding the filing of that class action, no other class action has been filed asserting the same or similar factual allegations against any of the defendants on behalf of the same or other persons; or

“(B) two-thirds or more of the members of all proposed plaintiff classes in the aggregate, and the primary defendants, are citizens of the State in which the action was originally filed.

“(5) Paragraphs (2) through (4) shall not apply to any class action in which—

“(A) the primary defendants are States, State officials, or other governmental entities against whom the district court may be foreclosed from ordering relief; or

“(B) the number of members of all proposed plaintiff classes in the aggregate is less than 100.

“(6) In any class action, the claims of the individual class members shall be aggregated to determine whether the matter in controversy exceeds the sum or value of \$5,000,000, exclusive of interest and costs.

“(7) Citizenship of the members of the proposed plaintiff classes shall be determined for purposes of paragraphs (2) through (6) as of the date of filing of the complaint or

amended complaint, or, if the case stated by the initial pleading is not subject to Federal jurisdiction, as of the date of service by plaintiffs of an amended pleading, motion, or other paper, indicating the existence of Federal jurisdiction.

“(8) This subsection shall apply to any class action before or after the entry of a class certification order by the court with respect to that action.

“(9) Paragraph (2) shall not apply to any class action that solely involves a claim—

“(A) concerning a covered security as defined under 16(f)(3) of the Securities Act of 1933 and section 28(f)(5)(E) of the Securities Exchange Act of 1934;

“(B) that relates to the internal affairs or governance of a corporation or other form of business enterprise and that arises under or by virtue of the laws of the State in which such corporation or business enterprise is incorporated or organized; or

“(C) that relates to the rights, duties (including fiduciary duties), and obligations relating to or created by or pursuant to any security (as defined under section 2(a)(1) of the Securities Act of 1933 and the regulations issued thereunder).

“(10) For purposes of this subsection and section 1453, an unincorporated association shall be deemed to be a citizen of the State where it has its principal place of business and the State under whose laws it is organized.

“(11)(A) For purposes of this subsection and section 1453, a mass action shall be deemed to be a class action removable under paragraphs (2) through (10) if it otherwise meets the provisions of those paragraphs.

“(B)(i) As used in subparagraph (A), the term ‘mass action’ means any civil action (except a civil action within the scope of section 1711(2)) in which monetary relief claims of 100 or more persons are proposed to be tried jointly on the ground that the plaintiffs’ claims involve common questions of law or fact, except that jurisdiction shall exist only over those plaintiffs whose claims in a mass action satisfy the jurisdictional amount requirements under subsection (a).

“(ii) As used in subparagraph (A), the term ‘mass action’ shall not include any civil action in which—

“(I) all of the claims in the action arise from an event or occurrence in the State in which the action was filed, and that allegedly resulted in injuries in that State or in States contiguous to that State;

“(II) the claims are joined upon motion of a defendant;

“(III) all of the claims in the action are asserted on behalf of the general public (and not on behalf of individual claimants or members of a purported class) pursuant to a State statute specifically authorizing such action; or

“(IV) the claims have been consolidated or coordinated solely for pretrial proceedings.

“(C)(i) Any action(s) removed to Federal court pursuant to this subsection shall not thereafter be transferred to any other court pursuant to section 1407, or the rules promulgated thereunder, unless a majority of the plaintiffs in the action request transfer pursuant to section 1407.

“(ii) This subparagraph will not apply—

“(I) to cases certified pursuant to rule 23 of the Federal Rules of Civil Procedure; or

“(II) if plaintiffs propose that the action proceed as a class action pursuant to rule 23 of the Federal Rules of Civil Procedure.

“(D) The limitations periods on any claims asserted in a mass action that is removed to Federal court pursuant to this subsection shall be deemed tolled during the period that the action is pending in Federal court.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 1335(a)(1) is amended by inserting “(a) or (d)” after “1332”.

(2) Section 1603(b)(3) is amended by striking “(d)” and inserting “(e)”.

#### SEC. 5. REMOVAL OF INTERSTATE CLASS ACTIONS TO FEDERAL DISTRICT COURT.

(a) IN GENERAL.—Chapter 89 is amended by adding after section 1452 the following:

##### “§ 1453. Removal of class actions

“(a) DEFINITIONS.—In this section, the terms ‘class’, ‘class action’, ‘class certification order’, and ‘class member’ shall have the meanings given such terms under section 1332(d)(1).

“(b) IN GENERAL.—A class action may be removed to a district court of the United States in accordance with section 1446 (except that the 1-year limitation under section 1446(b) shall not apply), without regard to whether any defendant is a citizen of the State in which the action is brought, except that such action may be removed by any defendant without the consent of all defendants.

“(c) REVIEW OF REMAND ORDERS.—

“(1) IN GENERAL.—Section 1447 shall apply to any removal of a case under this section, except that notwithstanding section 1447(d), a court of appeals may accept an appeal from an order of a district court granting or denying a motion to remand a class action to the State court from which it was removed if application is made to the court of appeals not less than 7 days after entry of the order.

“(2) TIME PERIOD FOR JUDGMENT.—If the court of appeals accepts an appeal under paragraph (1), the court shall complete all action on such appeal, including rendering judgment, not later than 60 days after the date on which such appeal was filed, unless an extension is granted under paragraph (3).

“(3) EXTENSION OF TIME PERIOD.—The court of appeals may grant an extension of the 60-day period described in paragraph (2) if—

“(A) all parties to the proceeding agree to such extension, for any period of time; or

“(B) such extension is for good cause shown and in the interests of justice, for a period not to exceed 10 days.

“(4) DENIAL OF APPEAL.—If a final judgment on the appeal under paragraph (1) is not issued before the end of the period described in paragraph (2), including any extension under paragraph (3), the appeal shall be denied.

“(d) EXCEPTION.—This section shall not apply to any class action that solely involves—

“(1) a claim concerning a covered security as defined under section 16(f)(3) of the Securities Act of 1933 and section 28(f)(5)(E) of the Securities Exchange Act of 1934;

“(2) a claim that relates to the internal affairs or governance of a corporation or other form of business enterprise and arises under or by virtue of the laws of the State in which such corporation or business enterprise is incorporated or organized; or

“(3) a claim that relates to the rights, duties (including fiduciary duties), and obligations relating to or created by or pursuant to any security (as defined under section 2(a)(1) of the Securities Act of 1933 and the regulations issued thereunder).”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 89 is amended by adding after the item relating to section 1452 the following:

“1453. Removal of class actions.”.

#### SEC. 6. REPORT ON CLASS ACTION SETTLEMENTS.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Judicial Conference of the United States, with the assistance of the Director of the Federal Judicial Center and the Director of the Administrative Office of the United States Courts, shall prepare and transmit to

the Committees on the Judiciary of the Senate and the House of Representatives a report on class action settlements.

(b) CONTENT.—The report under subsection (a) shall contain—

(1) recommendations on the best practices that courts can use to ensure that proposed class action settlements are fair to the class members that the settlements are supposed to benefit;

(2) recommendations on the best practices that courts can use to ensure that—

(A) the fees and expenses awarded to counsel in connection with a class action settlement appropriately reflect the extent to which counsel succeeded in obtaining full redress for the injuries alleged and the time, expense, and risk that counsel devoted to the litigation; and

(B) the class members on whose behalf the settlement is proposed are the primary beneficiaries of the settlement; and

(3) the actions that the Judicial Conference of the United States has taken and intends to take toward having the Federal judiciary implement any or all of the recommendations contained in the report.

(c) AUTHORITY OF FEDERAL COURTS.—Nothing in this section shall be construed to alter the authority of the Federal courts to supervise attorneys’ fees.

#### SEC. 7. ENACTMENT OF JUDICIAL CONFERENCE RECOMMENDATIONS.

Notwithstanding any other provision of law, the amendments to rule 23 of the Federal Rules of Civil Procedure, which are set forth in the order entered by the Supreme Court of the United States on March 27, 2003, shall take effect on the date of enactment of this Act or on December 1, 2003 (as specified in that order), whichever occurs first.

#### SEC. 8. RULEMAKING AUTHORITY OF SUPREME COURT AND JUDICIAL CONFERENCE.

Nothing in this Act shall restrict in any way the authority of the Judicial Conference and the Supreme Court to propose and prescribe general rules of practice and procedure under chapter 131 of title 28, United States Code.

#### SEC. 9. EFFECTIVE DATE.

The amendments made by this Act shall apply to any civil action commenced on or after the date of enactment of this Act.

#### APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 106-398, as amended by Public Law 108-7, in accordance with the qualifications specified under section 1237(E) of Public Law 106-398, and upon the recommendation of the Democratic Leader, in consultation with the ranking members of the Senate Committee on Armed Services and the Senate Committee on Finance, reappoints the following individual to the United States-China Economic Security Review Commission:

William A. Reinsch, of Maryland, for a term expiring Dec. 31, 2005.

The Chair, on behalf of the Majority Leader, pursuant to 10 U.S.C. 4355(a), appoints the Senator from Rhode Island, Mr. REED, from the Armed Services Committee, to the Board of Visitors of the U.S. Military Academy.

The Chair, on behalf of the Majority Leader, pursuant to 10 U.S.C. 6968(a), appoints the Senator from Arizona, Mr. MCCAIN, from the Armed Services Committee, to the Board of Visitors of the U.S. Naval Academy.

The Chair, on behalf of the Majority Leader, pursuant to 10 U.S.C. 9355(a), appoints the Senator from Colorado, Mr. ALLARD, from the Armed Services Committee, to the Board of Visitors of the U.S. Air Force Academy.

#### ORDER FOR RECESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate stand in recess until 8:40 p.m., at which time the Senate will proceed as a body to the House Chamber for the President's State of the Union Address.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS FOR TOMORROW

Mr. FRIST. Mr. President, I further ask unanimous consent that upon conclusion of the joint session, the Senate adjourn until 10 a.m., Wednesday, January 21. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the conference report to accompany H.R. 2673, the Omnibus Appropriations measure, for debate only, with the time until 6 p.m. equally divided between the chairman and ranking member of the Appropriations Committee or their designees.

I further ask that Senator BYRD be recognized at noon for up to 2 hours, that Senator MCCAIN be recognized at 2 p.m. for up to 1 hour, and his remarks be charged against the chairman's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. FRIST. Mr. President, for the information of all Senators, tomorrow the Senate will resume consideration of the conference report to accompany H.R. 2673, the Omnibus Appropriations measure.

I was disappointed by the outcome of today's cloture vote, but we will continue to push forward in our efforts to get a vote on final passage for this vital piece of legislation, this funding measure.

As a reminder, I entered a motion to reconsider the failed cloture vote. I will alert Senators as to when that vote will occur this week. In the meantime, I will continue to work with my Democratic colleagues in an effort to bring this final appropriations package to a close.

Mr. REID. Mr. President, I indicated to the leader that I had nothing, but I have been given a rule XIV matter.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

#### MEASURE READ THE FIRST TIME—S. 2006

Mr. REID. Mr. President, it is my understanding that S. 2006, which was introduced earlier today by Senators KENNEDY and others, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 2006) to extend and expand the Temporary Extended Unemployment Compensation Act of 2002, and for other purposes.

Mr. REID. Mr. President, I ask for its second reading, but I object to my own request on behalf of a number of Senators.

The PRESIDING OFFICER. Objection is heard.

#### RECESS

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess until 8:40 this evening; I further ask that when the Senate adjourns later this evening, it do so under the provisions of S. Res. 284 as a mark of further respect for our former colleague, Senator Bill Roth.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, the Senate, at 4:53 p.m., recessed until 8:40 p.m. and reassembled when called to order by the Presiding Officer (Mr. SESSIONS).

#### JOINT SESSION OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 144)

The PRESIDING OFFICER. The Senate will now proceed to the Hall of the House of Representatives to hear the address by the President of the United States.

Thereupon, the Senate, preceded by the Assistant Sergeant at Arms, Keith J. Kennedy, and the Vice President of the United States, DICK CHENEY, proceeded to the Hall of the House of Representatives to hear the address by the President of the United States, George W. Bush.

(The address delivered by the President of the United States to the joint session of the two Houses of Congress appears in the proceedings of the House of Representatives in today's RECORD.)

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered, at 10:13 p.m., the Senate adjourned until Wednesday, January 21, 2004, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate January 20, 2004:

##### THE JUDICIARY

CLAUDE A. ALLEN, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE FRANCIS D. MURNAGHAN, JR., DECEASED.

PAUL S. DIAMOND, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA, VICE HERBERT J. HUTTON, RETIRED.

ROBERT BRYAN HARWELL, OF SOUTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA, VICE C. WESTON HOUCK, RETIRING.

GEORGE P. SCHIAVELLI, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE LOURDES G. BAIRD, RETIRING.